MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF OCTOBER 2, 2009

(Published October 10, 2009, in Finance and Commerce)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

October 10, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Colvin Roy, President Johnson.

Absent - Council Members Lilligren, Glidden.

Benson moved adoption of the agenda. Seconded.

Majority Leader Benson assumed the Chair.

Johnson moved to amend the agenda to include a motion approving the detail of Tina Sanz to Assistant City Clerk. Seconded.

Adopted upon a voice vote.

Absent - Lilligren, Glidden.

The agenda, as amended, was adopted upon a voice vote 10/2/2009.

Absent - Lilligren, Glidden.

President Johnson resumed the Chair.

Benson moved acceptance of the minutes of the regular meeting and the adjourned session held September 18, 2009. Seconded.

Adopted upon a voice vote 10/2/2009.

Absent - Lilligren, Glidden.

Benson moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 10/2/2009.

Absent - Lilligren, Glidden.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273774)

Lyndale Salem Green Limited Partnership (re Lyndale Green, Luyndale Ave S & 28th St): Preliminary approval to issue bonds to finance acquistion & construction of multi-famly rental housing facility.

Land Sales:

2400, 2401, 2415, 2417 & 2419 Bloomington Ave S to American Indian Community Development Corporation & CommonBond Communities:

2304 Snellng Ave S to Project for Pride in Living, Inc.

2010 Low Income Housing Tax Credits: Allocation of credits for Clare Midtown, PPL Near North.

COMMUNITY DEVELOPMENT and HE&E (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273775)

Hydrothermal Engineering Feasibility Study (re East Bank Energy Center): Loan agreement with Schafer-Richardson Real Estate.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273776)

Affordable Housing Production Goals (2009-2011).

ELECTIONS (See Rep):

CITY CLERK (273377)

Municipal Elections: Ordinance amending Title 8.5, Chapter 167, clarifying definitions and steps to be taken in the counting process and to change typographical errors.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (273778)

H1N1 Influenza Planning: Approve Statement of Ethics during a Severe Pandemic.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

REGULATORY SERVICES (273779)

Lead Safe Work Practices Training: Accept grant award of \$20,000 from Minnesota Department of Health to provide training, including classes in Spanish; and approve appropriation.

INTERGOVERNMENTAL RELATIONS:

ATTORNEY (273780)

Minneapolis Charter Revision: Summaries/work group report for departments of Finance, Health, Regulatory Services & Public Works.

INTERGOVERNMENTAL RELATIONS (273781)

2010 Legislative Agenda: First draft of proposals.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (273782)

Minneapolis Sister City Relationships: Revised process & criteria.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

FIRE DEPARTMENT (273783)

Stop, Drop & Control Blood Pressure Control Program: Execute agreement with Novartis Pharmaceutical to provide firefighter education related to blood pressure control; and Allow the use of campaign logo on firefighter gear and apparatus.

LICENSES AND CONSUMER SERVICES (273784)

Chino Latino (2916 Hennepin Av): Grant On-Sale Liquor Class C-1 with Sunday Sales License (expansion of premises, and expansion of existing sidewalk cafe area).

Bootleggers (3231st Av N): Grant On-Sale Liquor Class A with Sunday Sales License (expansion of premises for outdoor rear second floor deck area).

Music Box Theatre (1407 Nicollet Av): Grant On-Sale Wine Class A with Strong Beer License, with conditions.

LICENSES AND CONSUMER SERVICES (273785)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (273786)

Visage (404 3rd Av N): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class A with Sunday Sales License.

Quick Shop (2801 Grand Av S): Grant Grocery License, with conditions.

Broadway Winner (626 W Broadway): Grant Off-Sale Beer, Grocery, Gasoline Filling Station, and Tobacco Dealer Licenses, with conditions.

Goodsports Bar and Grill (200 W Broadway): Grant On-Sale Liquor Class E with Sunday Sales License, with conditions.

REGULATORY SERVICES (273787)

Property at 1403 E 26th St: Authorize demolition.

REGULATORY SERVICES (273788)

Property at 2214 4th Av N: Authorize demolition.

REGULATORY SERVICES (273789)

Property at 4237 Dupont Av N: Authorize demolition.

REGULATORY SERVICES (273790)

Rental Dwelling License at 1717-19 Dupont Av N: Revoke license held by Timothy LaCroix.

REGULATORY SERVICES (273791)

Rental Dwelling License at 2125 Aldrich Av N: Revoke license held by Jeffrey Webster.

REGULATORY SERVICES (273792)

Rental Dwelling License at 2523 Logan Av N: Revoke license held by Antonio Holley.

REGULATORY SERVICES (273793)

Rental Dwelling License at 2712 Penn Av N: Revoke license held by Ray H. Bolden.

REGULATORY SERVICES (273794)

Rental Dwelling License at 3235 Vincent Av N: Approve license reinstatement to be held by Megan Baldwin.

Outdoor Areas/Liquor and Beer: Ordinance amending the regulation of outdoor areas by deleting the restriction that service be provided to patrons only at tables.

Temporary Expansion of Premises/Liquor, Wine and Beer Licenses: Ordinance increasing the allowable opportunities for on-sale liquor, wine and beer establishments near the University of Minnesota football stadium to temporarily expand their licenses and premises for special events.

REGULATORY SERVICES (273795)

Rental Dwelling License at 3522 Lyndale Av N: Revoke license held by Spolinsky D. Jacox.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

ATTORNEY (273796)

Minneapolis Economic Recovery Strategy - Victim Witness Assistance: Accept \$179,532 and execute agreement with Minnesota Department of Public Safety to hire Victim Witness Assistant for two-year period; and Approve appropriation.

POLICE DEPARTMENT (273797)

35W Bridge: Authorize Police Department to pay nine law enforcement agencies for their assistance during the collapse of the 35W bridge.

Minneapolis Economic Recovery Strategy - Forensic Computer Program: Accept \$442,140 and execute agreement with United States Department of Justice to develop a computer forensics analysis function for the investigation of major crimes and asset forfeiture; and Approve appropriation.

Coverdell Forensic Science Improvement Program: Accept \$113,857 and execute agreement with United States Department of Justice to purchase new digital photo mini lab; and Approve appropriation. POLICE DEPARTMENT (273798)

Minnesota Joint Analysis Center: Accept grant award of \$161,000 and execute agreement with Minnesota Homeland Security and Emergency Management for participation in the regional sharing of intelligence information; and Approve appropriation.

DWI Court Grant: Execute agreement with Fourth Judicial District Court to receive \$82,000 for a portion of the implementation of an Adult DWI Court in Hennepin County to fund wages for police officers to participate in the program; and Approve appropriation.

Enhanced Police Coverage at University of Minnesota: Execute agreement with the University of Minnesota to receive \$60,000 to provide enhanced police enforcement primarily in the neighborhoods around the University campus in support of the U of M Police Department; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (273799)

Special Service Districts: Set assessment public hearing for October 20, 2009.

Water and Sewer Service Line Repairs: Set assessment public hearing for November 5, 2009.

7th St N Resurfacing Project: Status update.

Southwest Light Rail Transitway: Report from Hennepin County Housing, Community Works, and Transit.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273800)

Downtown Business Improvement Special Service District: Assessment public hearing.

Chicago-Lake, Bloomington-Lake, and East Lake Special Service Districts: Assessment public hearings; and Comments.

Critical Traffic and Parking Area: 3300 block of Prospect Terrace (south side).

Pump Station No 4: Increase contract with Madsen-Johnson Corporation.

Dewatering Plant Improvements Project: Increase scope of services in agreement with HDR Engineering, Inc.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (273801)

Progressive Bicycle Cities Coalition: Accept donation from City of Portland and Mia Birk.

Lease of Office Space at 709 2nd St S: a) Rescind Council action of August 8, 2008; and b) Five-year lease with Froid Holdings, LLC.

Bid: OP 7176, W.W. Goetsch Associates, Inc., for submersible sludge pumps.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (273802)

2010 Truth-in-Taxation: Supplement Notice

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273803)

Legal Settlement: Vang Khang and Yee Moua v. City of Minneapolis.

BUSINESS INFORMATION SERVICES (BIS) (273804)

Printer Right Sizing Effort Initiative: Donation of unsold copiers and printers to local charitable organizations.

FINANCE DEPARTMENT (273805)

Banking and Trust/Custodial Services: Execute contracts: a) Wells Fargo Bank; b) US Bank; and c) Dunbar.

HEALTH AND FAMILY SUPPORT SERVICES (273806)

Public Health Preparedness: Accept \$313,132 from Minnesota Department of Health for Public Health Emergency Response relating to Influenza A (H1N1) virus; and Approve appropriation.

HUMAN RESOURCES (273807)

Police Officers' Federation of Minneapolis: Labor agreement.

ZONING AND PLANNING:

HERITAGE PRESERVATION COMMISSION (273808)

Appeal:

FTK Properties (900 3rd Street N and 218 9th Avenue N) (referred back to HPC).

ZONING AND PLANNING (See Rep):

ARTS COMMISSION (273809)

Appointment of Alexander Phung to the Minneapolis Arts Commission

INSPECTIONS/BOARD OF ADJUSTMENT (273810)

Appeal:

Land R Development and Ramsey Excavating Company - 4022 1/2 Washington Ave N

PLANNING COMMISSION/DEPARTMENT (273811)

Interim Use Application:

Sherman Associates, Inc. (935 Second Street S)

Appeal:

Jon Hornig, on behalf of D& B 2401, LLC (2401 Dupont Ave S)

Adoption of the Minneapolis Plan for Sustainable Growth.

FILED:

COUNCIL MEMBER SCHIFF ET AL (273812)

Stone Arch Phase II (600 Main Street SE) (Refer to Unfinished Business).

The following reports were signed by Mayor Rybak on October 7, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of Lyndale Salem Green Limited Partnership to finance the acquisition and construction of a 61-unit multi-family rental housing facility at Lyndale Ave and 28th St, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$7.5 million in Tax-exempt Multi-family Housing Entitlement Revenue Bonds for the Lyndale Green project.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Resolution 2009R-444, approving a Housing Finance Program for a multifamily housing development and preliminarily approving the issuance of Housing Revenue Bonds on behalf of Lyndale Salem Green Limited Partnership (Lyndale Green project, Lyndale Ave & 28th St), was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-444 By Goodman

Approving a Housing Finance Program for a multifamily housing development and preliminarily approving the issuance of Housing Revenue Bonds.

Whereas, pursuant to Minnesota Statutes, Chapter 462C (the "Act"), the City of Minneapolis, Minnesota (the "City") is authorized to carry out programs to finance multifamily housing designed to be affordable to persons of low and moderate income; and

Whereas, Brighton Lyndale Development, LLC ("Developer") has proposed that the City issue its multifamily housing revenue obligations an aggregate principal amount of approximately \$7,500,000 (the "Bonds") and loan the proceeds to Lyndale Salem Green Limited Partnership, a Minnesota limited partnership formed or to be formed in which BLD will be the general partner (the "Owner"), to finance the acquisition and construction of the portion of a mixed-use facility constituting a 61-unit multifamily housing development (the "Project") pursuant to a Housing Finance Program in substantially the form as Exhibit A (the "Program"); and

Whereas, the Project is to be located at the northeast corner of the intersection of Lyndale Avenue South and 28th Street in the City, and is designed to be affordable to low and moderate income persons as required under the Act and Minnesota Statutes, Section 474A.047; and

Whereas, on September 22, 2009, the Community Development Committee of the City Council conducted a public hearing regarding the Program, as required by the Act, and regarding the issuance of the Bonds, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, for which not fewer than fifteen day's notice was duly published in a newspaper of general circulation in the City; and

Whereas, a copy of the Program was provided to the Metropolitan Council at or prior to the date notice of the public hearing was published; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

- 1. The City hereby approves the Program in substantially the form attached hereto and gives preliminary approval to the issuance of the Bonds to finance the Project. The officers and staff of the City are authorized to take all actions as may be necessary or appropriate to carry out the Program in accordance with the Act and any other applicable laws or regulations.
- 2. On the basis of information available to the City Council, it appears, and the City Council hereby finds, that the project constitutes a multifamily rental housing development and furthers the purposes of the Act; that the Project is designed for rental by low and moderate income persons and families; that the availability of financing under the Act and the willingness of the Issuer to furnish such financing will be a substantial inducement to the Owner to develop and operate the Project, and that the effect of financing the Project, if undertaken, will be to promote the availability of adequate affordable housing to elderly residents of the City.
- 3. Any and all costs incurred by the City in connection with the financing of the Project, whether or not the proposed financing of the Project is carried to completion and whether or not the issuance of Bonds is approved by the Issuer, will be paid by the Owner.
- 4. Nothing in this resolution shall be construed to require the City to approve any element of the Project or the issuance of the Bonds, nor shall this resolution be construed as vesting in the Owner any cause of action against the City arising from any failure or refusal by the City to approve the issuance of the Bonds.
- 5. Nothing in this resolution or the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the financing of the Project or the payment of the Bonds other than the revenues derived from the Project or otherwise granted to the City for this purpose. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any direct liability thereon. The holder of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment thereon against any property of the City. The Bonds shall recite in substance

that the Bonds, including the interest thereon, are payable solely from the revenue and proceeds pledged to the payment thereof. The Bonds shall not constitute an indebtedness of the City within the meaning of any constitutional or statutory provision.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the properties at 2400, 2401, 2415, 2417 and 2419 Bloomington Ave S for \$4 per square foot to a joint partnership of the American Indian Community Development Corporation and CommonBond Communities, or an affiliated entity created to undertake the proposed Bii Di Gain Dash Anwebi Elder Housing Development.

Your Committee further recommends that the proper City officers be authorized to execute a redevelopment contract in accordance with the terms of the Department of Community Planning & Economic Development staff report.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Resolution 2009R-445, authorizing sale of land Village in Phillips Redevelopment Project Disposition Parcel Nos. MC 130-26, MC 131-5B, MC 131-6, MC 131-7A and TF-106 (2400, 2401, 2415, 2417 and 2419 Bloomington Ave S), was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-445 By Goodman

Authorizing sale of land Village in Phillips Redevelopment Project Disposition Parcel Nos. MC 130-26, MC 131-5B, MC 131-6, MC 131-7A and TF-106 (2400, 2401, 2415, 2417 and 2419 Bloomington Ave S).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel MC 130-26, in the Midtown Phillips neighborhood and Disposition Parcels MC 131-5B, MC131-6, MC 131-7A and TF-106 in the East Phillips neighborhood, from American Indian Community Development Corporation (AICDC) and CommonBond Communities (CommonBond) or an affiliated entity, hereinafter known as the Redeveloper, the Parcels MC 130-26, MC 131-5B, MC131-6, MC 131-7A and TF-106 being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTIONS:

MC 130-26; 2400 Bloomington Av S: Lot 1, Block 1, Gales 1st Addition to Minneapolis;

MC 131-5B; 2401 Bloomington Av S: Lot 5, Block 4, Gilpatrick's Addition to Minneapolis;

MC 131-7A & TF-106; 2417 & 2419 Bloomington Av S: Lot 7, except the North 8 inches of said Lot 7, Block 4, Gilpatrick's Addition to Minneapolis;

All being registered land as is evidenced by Certificate of Possessory Title No. 1194797;

MC 131-6; 2415 Bloomington Av S: Lot 6 and the North 8 inches of Lot 7, Block 4, Gilpatrick's Addition to Minneapolis;

Being registered land as is evidenced by Certificate of Title No. 1142786; and

Whereas, the Redeveloper has offered to pay the sum of \$4 per sq. ft (square footage will be confirmed by a final site plan and plat which will vacate an alley and price will be adjusted accordingly), for Parcels MC 130-26, MC 131-5B, MC 131-6, MC 131-7A and TF-106 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 11, 2009, a public hearing on the proposed sale was duly held on September 22, 2009, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Village in Phillips Redevelopment Project plan, as amended, is hereby estimated to be the sum of \$4 per sq. ft. for Parcels MC 130-26 MC 131-5B, MC131-6, MC 131-7A and TF-106.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of a portion of the property at 2304 Snelling Ave to Project for Pride in Living, Inc., or an affiliate, for a sum to be determined by an appraisal dated no earlier than 60 days prior to closing as an amount equal to the diminishment of value of the remaining parcel, and subject to conditions:

- a) execution of an option agreement within six months of Council action;
- b) completion of an appraisal to establish the sale price no more than 60 days prior to closing;
- c) payment of a 10% good-faith deposit at or prior to closing;
- d) approval of the land sale by the Metropolitan Council, and partial release of the LAAND mortgage and LAAND Declaration:
 - e) City approval of property and building modifications necessary to facilitate the lot split;
 - f) closing by 12/31/2011;
 - g) "As Is" sale.

Your Committee further recommends that the proper City officers be authorized to execute agreements related thereto, including a reciprocal easement and operating agreement in accordance with the terms of the Department of Community Planning & Economic Development staff report.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Resolution 2009R-446, authorizing sale of land Franklin LRT Station Area Redevelopment Plan Disposition Parcel No FS-4A, 2304 Snelling Ave (portion), was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-446 By Goodman

Authorizing sale of land Franklin LRT Station Area Redevelopment Plan Disposition Parcel No FS-4A, 2304 Snelling Ave (portion).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel FS-4A, in the Seward neighborhood, from Project for Pride in Living, Inc. (PPL) or an affiliate, hereinafter known as the Redeveloper, the Parcel FS-4A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of FS-4A; 2304 Snelling Ave (portion): Lot 10, Block 7, Westfall's Addition to Minneapolis, except the northwesterly 18 feet thereof, including that part of the adjoining vacated alley lying between the Southwesterly extensions across it of the Southeasterly line of the Northwesterly 18 feet of Lot 10 and the Westerly extension across it of the South line of Lot 10 (part of Torrens Certificate No. 1306776); and

Whereas, the Redeveloper has offered to pay a sum to the City for Parcel FS-4A (approximately 5,120 square feet) (the "Parcel") to be determined by an appraisal 60 days prior to closing as an amount equal to the diminishment of value to the adjacent City-retained property caused by the sale (Disposition Parcel FS-4B (the "Retained Parcel"), and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City will have the appraised value reviewed by an appraisal expert prior to closing, stating that the value opinion for the Parcel is consistent with the City's accepted valuation methods; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 11, 2009, a public hearing on the proposed sale was duly held on September 22, 2009, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the value for the Parcel for uses in accordance with the Franklin LRT Station Area Redevelopment Plan, as amended, will be determined by an appraisal 60 days prior to closing establishing a value equal to the diminishment of value to the Retained Parcel resulting from the sale.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of an Option Agreement and Partial Assignment and Assumption of Redevelopment Contract. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver such agreements to the Redeveloper; provided, however, that this Resolution does not constitute such an agreement and no such agreement shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed agreements and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 10/2/2009.

Comm Dev - Your Committee recommends that the proper City officers be authorized to preliminarily reserve Year 2010 Federal Low Income Housing Tax Credits totaling \$1,246,696 for the following projects:

a) Clare Midtown, 3105 - 23rd Ave S (\$680,923); and

b) PPL Near North - scattered sites (\$565,773).

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

The COMMUNITY DEVELOPMENT and HEALTH, ENERGY & ENVIRONMENT Committees submitted the following report:

Comm Dev & HE&E - Your Committee, having under consideration loan approval for the Hydrothermal Engineering Feasibility Study for the sustainable Energy Center concept (the "East Bank Energy Center"), now recommends that the proper City officers be authorized to execute a loan agreement with Schafer-Richardson Real Estate to provide \$30,000 in loan funding for said study and to execute letters in support of funding applications for the East Bank Energy Center, in accordance with the terms described in the Department of Community Planning & Economic Development staff report.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following report:

Comm Dev & W&M/Budget - Your Committee, having under consideration the following Affordable Housing Production Goals for the next three years beginning with 2009 for units at or below 50% of the AMI:

Year	Goal
2009	575
2010	450
2011	530

now recommends:

Comm Dev - Approval of said Goals.

W&M/Budget - That consideration of said Goals be deferred until subsequent to the completion of the budget process.

Goodman moved to amend the report to approve the Community Development Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded.

Ostrow moved a substitute motion to amend the report to approve the Ways & Means/Budget Committee recommendation and to delete the Community Development Committee recommendation. Seconded.

Ostrow moved to withdraw his motion. Seconded.

Adopted upon a voice vote.

Absent - Lilligren, Glidden.

Goodman's motion was adopted by unanimous consent.

Absent - Lilligren, Glidden.

The report, as amended, was adopted 10/2/2009.

Declining to vote - Colvin Roy.

Absent - Lilligren, Glidden.

The ELECTIONS Committee submitted the following report:

Elections - Your Committee, to whom was referred an ordinance amending Title 8.5, Chapter 167 of the Minneapolis Code of Ordinances relating to *Elections: Municipal Elections: Rules of Conduct*,

by clarifying definitions and steps to be taken in the counting process and to change typographical errors, now recommends that said ordinance be given its second reading for amendment and passage. Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Ordinance 2009-Or-102 amending Title 8.5, Chapter 167 of the Minneapolis Code of Ordinances relating to *Elections: Municipal Elections: Rules of Conduct*, by clarifying definitions and steps to be taken in the counting process and to change typographical errors, was adopted 10/2/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-102
By Glidden
Intro & 1st Reading: 9/18/2009
Ref to: Elections
2nd Reading: 10/2/2009

Amending Title 8.5, Chapter 167 of the Minneapolis Code of Ordinances relating to Elections: Municipal Elections: Rules of Conduct.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 167.20 of the above-entitled ordinance be amended to read as follows:

167.20. Definitions. The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section:

Batch elimination means a simultaneous defeat of multiple continuing candidates that have no mathematical chance of being elected for whom it is mathematically impossible to be elected.

Chief Election Official includes the Director of Elections and his or her designee.

Continuing candidate means a candidate who has been neither elected nor defeated.

Duplicate ranking occurs when a voter ranks the same candidate at multiple rankings for the office being counted.

Exhausted ballot means a ballot that cannot be transferred to a lower ranked candidate because the next ranking is blank or there is more than one (1) candidate given the next ranking for the office being counted advanced under section 167.60(a)(2) or section 167.70(a)(2).

Highest continuing ranking means the ranking on a voter's ballot with the lowest numerical value for a continuing candidate.

Mathematically impossible to be elected means either:

- (1) the candidate could never win because his or her current vote total plus all votes that could possibly be transferred to him or her in future rounds (from candidates with fewer votes, tied candidates, and surplus votes) would not be enough to surpass the candidate with the next higher current vote total; or
- (2) the candidate has a lower current vote total than a candidate who is described by (1).

An overvote occurs when a voter ranks more than one (1) candidate at the same ranking.

Partially defective ballot means a ballot that is defective to the extent that the election judges are unable to determine the voter's intent with respect to the office being counted.

Ranked-choice voting means an election method in which voters rank candidates for an office in order of their preference and the ballots are counted in rounds that, in the case of a single-seat election, simulate a series of runoffs until one (1) candidate meets the threshold, or until two (2) candidates remain and the candidate with the greatest number of votes is declared elected. In the case of multiple-seat elections, a winning threshold is calculated, and votes, or fractions thereof, are distributed to candidates according to the preferences marked on each ballot as described in section 167.7 167.70 of this chapter.

Ranked-choice voting tabulation center means the place selected for the automatic or manual processing and tabulation of ballots and/or votes.

Ranking means the number assigned by a voter to a candidate to express the voter's preference for that candidate. Ranking number one (1) is the highest ranking. A ranking of lower numerical value indicates a greater preference for a candidate than a ranking of higher numerical value.

Round means an instance of the sequence of voting tabulation steps established in sections 167.60 and 167.70 of this chapter.

Skipped ranking occurs when a voter leaves a ranking blank and ranks a candidate at a subsequent ranking.

Surplus means the total number of votes cast for an elected candidate in excess of the threshold. Surplus fraction of a vote means the proportion of each vote to be transferred when a surplus is transferred. The surplus fraction is calculated by dividing the surplus divided by the total votes cast for the elected candidate, calculated to four (4) decimal places, ignoring any remainder. Surplus fraction of a vote = (Surplus of an elected candidate)/(Total votes cast for elected candidate), calculated to four (4) decimal places, ignoring any remainder.

Threshold means the number of votes sufficient for a candidate to be elected. In any given election, the threshold equals the total votes counted in the first round after removing partially defective ballots, divided by the sum of one (1) plus the number of offices to be filled and adding one (1) to the quotient, disregarding any fractions. Threshold = $(Total\ votes\ cast)/(Seats\ to\ be\ elected\ +\ 1)\ +1$, with any fractions disregarded.

Transfer value means the fraction of a vote that a transferred ballot will contribute to the next ranked continuing candidate on that ballot. The transfer value of a vote cast for an elected candidate is calculated by multiplying the surplus fraction of each vote by its current value, calculated to four (4) decimal places, ignoring any remainder. The transfer value of a vote cast for a defeated candidate is the same as its current value.

Transferable vote means a vote or a fraction of a vote for a candidate who has been either elected or defeated.

Totally defective ballot means a ballot that is defective to the extent that the election judges are unable to determine the voter's intent for any office on the ballot.

An undervote occurs when a voter does not rank any candidates for an office.

Section 2. That Section 167.30 of the above-entitled ordinance be amended to read as follows: **167.30.** Ballots. (a) Ballot format.

- (1) When there are three (3) or more qualified candidates, a ballot must allow a voter to rank at least three (3) candidates for each office in order of preference and must also allow the voter to add write-in candidates.
- (2) A ballot must include instructions to voters that clearly indicates how to mark the ballot so as to be read by the election judges conducting the count, or if voting equipment is to be used, so as to be read by the voting equipment used to tabulate results.
- (3) A ballot must include instructions to voters that clearly indicate how to rank candidates in order of the voter's preference.
- (4) A ballot must indicate the number of seats to be elected for each office.
- (5) A ballot which allows voters to indicate the order of their preference by marking multiple positions for each candidate must include instructions indicating the ranking of each position.
- (b) Mixed-election method ballots. If elections are held in which ranked-choice voting is used in addition to other methods of voting, the ranked-choice voting and non-ranked-choice voting elections must be on the same ballot card if possible, with ranked-choice voting and non-ranked-choice voting portions clearly separated on the ballot card. If placement of all offices to be elected cannot be placed on a single ballot card, a separate ballot card may be used for those offices to be elected using ranked-choice voting. The city may deviate from the standard ballot order of offices to allow separation of ranked-choice voting and non-ranked-choice voting elections.
- (c) Ballot format rules. The chief election official shall establish administrative rules for ballot format after a voting mechanism has been selected. All rules shall be adopted in accordance with this section.

Section 3. That Section 167.50 of the above-entitled ordinance be amended to read as follows:

167.50. Tabulation of votes; in general. (a) *Precinct tabulation.* When the hours for voting have ended and all voting has concluded, the election judges in each precinct shall record and publicly

declare the number of votes at each ranking on the ballot. The election judges must then securely transfer all electronic voting data and ballots from the precinct to the ranked-choice voting tabulation center designated pursuant to section 167.40 of this chapter. Upon receipt at the ranked-choice voting tabulation center, all electronic voting data and ballots shall be secured.

- (b) Notice of recess in count. At any time following receipt of materials per 167.50(a) the chief election official may declare a recess. Notice of such recess must include the date, time and location at which the process of recording and tabulating votes will resume and the reason for the recess. Notice shall be posted on the city's official bulletin board and on the door of the ranked-choice voting counting tabulation center.
- (c) Recording write-in votes. At a time set by the chief election official, the judges of the election shall convene at the ranked-choice voting tabulation center to examine ballots on which voters have indicated a write-in choice, and record the names and number of votes received by each write-in candidate. In the event that votes cast for the write-in category are not eliminated as provided in section 167.60(eb), or 167.70(c), the results must be entered into the ranked-choice voting tabulation software.
- (d) Ranked-choice vote tabulation. After all votes for all candidates have been recorded and at a time set by the chief election official, the process of tabulating votes cast for offices to be elected using the ranked-choice method shall begin. The counting shall continue until preliminary results for all races are determined, subject to provisions contained in 167.50(b).

Section 4. That Section 167.60 of the above-entitled ordinance be amended to read as follows:

- **167.60. Tabulation of votes; single-seat elections.** (a) *Applicability.* This section applies to a ranked-choice voting election in which one (1) seat in an office is to be filled from a single set of candidates on the ballot. The method of tabulating ranked-choice votes for single-seat elections as described in this section must be known as the "single-seat single transferable vote" method of tabulation.
 - (1) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. First the <u>The</u> threshold must be calculated and publicly declared. After calculation of the threshold, each <u>Each</u> round must proceed sequentially as follows:
 - a. The number of votes cast for each candidate, as indicated by the highest continuing ranking on each ballot, must be counted. If a candidate's vote total is equal to or greater than the threshold, that candidate is declared elected and the tabulation is complete. If no candidate's vote total is equal to or greater than the threshold, a new round begins and the tabulation must continue as described in clause b.
 - b. Candidates appearing on the ballot who do not receive any valid rankings are defeated immediately, before any transfers.
 - eb. All candidates are defeated whose vote total, plus all potentially transferable votes from candidates with fewer votes, is less than the vote total of the candidate with the next higher number of votes, such that it is mathematically impossible for that candidate to be elected. All candidates for whom it is mathematically impossible to be elected must be considered defeated simultaneously. Votes for the defeated candidates must be transferred to each ballot's next-ranked continuing candidate. If no candidate can be defeated mathematically, the tabulation must continue as described in clause c. Otherwise, the tabulation must continue as described in clause d.
 - dc. The candidate with the fewest votes is defeated. Votes for the defeated candidate must be transferred to each ballot's next-ranked continuing candidate. Ties between candidates with the fewest votes must immediately and publicly be decided by lot by the chief election official at the <u>ranked-choice voting</u> tabulation center. The candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount.
 - ed. The procedures in clauses a. to d. a. to c. must be repeated until one (1) candidate reaches the threshold, or until only two (2) candidates remain, the candidate with the most votes must be elected. In the case of a tie between two (2) continuing candidates, the tie must be decided by lot as provided in

- Minneapolis Charter Chapter 2, Section 12. The result of the tie resolution must be recorded and reused in the event of a recount.
- (2) When a single skipped ranking is encountered on a ballot, that ballot shall count towards the next non-skipped ranking. If any ballot cannot be advanced because no further continuing candidates are ranked on that ballot, or because a voter has skipped more than one (1) ranking or has ranked the same candidate in two (2) or more rankings, that ballot shall immediately be declared "exhausted". Any ballot that has been declared or because an undervote, overvote, or exhausted duplicate ranking is encountered, the ballot must shall not count towards any candidate in that round or in subsequent rounds for the office being counted.

Section 5. That Section 167.70 of the above-entitled ordinance be amended to read as follows: **167.70. Tabulation of votes, multiple-seat elections.** (a) *Applicability.* This section applies to a ranked-choice voting election in which more than one (1) seat in office is to be filled from a single set of candidates on the ballot. The method of tabulating ranked-choice votes for multiple-seat elections as described in this section must be known as the "multiple-seat single transferable vote" method of tabulation.

- (1) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. First the <u>The</u> threshold must be calculated and publicly declared. After calculation of the threshold, each <u>Each</u> round must proceed sequentially as follows:
 - a. The number of votes cast for each candidate, as indicated by the highest ranked continuing candidate on each ballot, for the current round must be counted. If the number of candidates whose vote totals equal or exceed total is equal to or greater than the threshold is equal to the number of seats to be filled, those candidates who are continuing candidates are elected and the tabulation is complete. If the number of candidates whose vote total is equal to or greater than the threshold is not equal to the number of seats to be filled, a new round begins and the tabulation must continue as described in clause b.
 - b. Surplus votes for any candidates whose vote total is equal to or greater than the threshold must be calculated.
 - c. Candidates appearing on the ballot who do not receive any valid rankings are defeated immediately, before any transfers.
 - dc. After any surplus votes are calculated but not yet transferred, a candidate is defeated whose vote total, plus all potentially transferable votes from elected candidates and candidates with fewer votes, is less than the vote total of the candidate with the next higher number of votes, such that it is mathematically impossible for that candidate to be elected. All all candidates for whom it is mathematically impossible to be elected must be defeated simultaneously. Votes for the defeated candidates must be transferred to each ballot's next-ranked continuing candidate. If no candidate can be defeated mathematically, the tabulation must continue as described in clause d. Otherwise, the tabulation must continue as described in clause a.
 - ed. The transfer value of each vote cast for an elected candidate must be transferred to the next continuing candidate on that ballot. If two (2) or more candidates have vote totals that equal or exceed the threshold, the votes for the The candidate with the largest surplus will be transferred first with subsequent transfers proceeding in descending order of surplus size is declared elected and that candidate's surplus is transferred. A tie between two (2) or more candidates must immediately and publicly be resolved by lot by the chief election official at the ranked-choice voting tabulation center. The surplus of the candidate chosen by lot must be transferred before other transfers are made. The result of the tie resolution must be recorded and reused in the event of a recount. If no candidate has a surplus, the tabulation must continue as described in clause e. Otherwise, the tabulation must continue as described in clause a.

- fe. If there are no transferable surplus votes, the candidate with the fewest votes is defeated. Votes for a defeated candidate are transferred at their transfer value to each ballot's next-ranked continuing candidate. Ties between candidates with the fewest votes must be decided by lot, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount.
- gf. The procedures in clauses a. to f. a. to e. must be repeated until the number of candidates whose vote totals equal or exceed total is equal to or greater than the threshold is equal to the number of seats to be filled, or until the number of continuing candidates is equal to the number of offices yet to be elected. If the number of continuing candidates is equal to the number of offices yet to be elected, the any remaining continuing candidate candidates must be declared elected. In the case of a tie between two (2) continuing candidates, the tie must be decided by lot as provided in Minneapolis Charter Chapter 2, Section 12, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and repeated reused in the event of a recount.
- (2) When a single skipped ranking is encountered on a ballot, that ballot shall count towards the next non-skipped ranking. If any ballot cannot be advanced because no further continuing candidates are ranked on that ballot, or because a voter has skipped more than one (1) ranking or has ranked the same candidate in two (2) or more rankings, that ballot shall immediately be declared "exhausted". Any ballot that has been declared or because an undervote, overvote, or exhausted must remain so and duplicate ranking is encountered, the ballot shall not count towards any candidate in that round or in subsequent rounds for the office being counted.

Section 6. That Section 167.90 of the above-entitled ordinance be amended to read as follows: **167.90. Recounts.** (a) *Required recounts*. A candidate defeated in the final round of tabulation may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast final round vote total for that candidate and for a winning candidate is less than one-half (1/2) of one (1) percent of the total votes counted for that office. In case of offices where two (2) or more seats are being filled from among all the candidates for the office, the one-half (1/2) of one (1) percent difference is between the elected candidate with the fewest votes and the candidate with the most votes highest final round vote total from among the candidates who were not elected.

- (1) Candidates shall file a written request for the recount with the city clerk. All requests shall be filed during the time for notice of contest of the election for which a recount is sought.
- (2) Upon receipt of a request made pursuant to this section, the city shall recount the votes for a municipal office at the expense of the city.
- (b) Discretionary candidate recounts. Candidates defeated in the final round of tabulation when the vote difference is greater than the difference required by section 167.90(a), and candidates defeated in an earlier round of counting, may request a recount in the manner provided in this section at the candidate's own expense.
 - (1) The votes shall be recounted as provided in this section if the requesting candidate files with the city clerk a bond, cash, or surety in an amount set by the city for payment of the recount expenses.
- (c) Notice of contest. Time for notice of contest of election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality.
- (d) Scope of recount. A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and summary statements certified by the election judges may be considered in the recount process.

Section 7. That Section 167.130 of the above-entitled ordinance be amended to read as follows: **167.130.** Post-election review of voting system; ranked-choice voting elections. (a) Selection of test date; notice. Thirty (30) days before a ranked-choice election that will be conducted using electronic voting equipment to tabulate results, the chief election official must set the date, time,

and place for conduct of a post-election review, and must also set the date, time and place for the random selection of contests to be reviewed.

- (b) Scope and conduct of test. The post-election review must be conducted, in public, of a sample of votes cast for at least one (1) single-seat ranked-choice voting election for city council, if applicable, and at least one (1) multiple-seat ranked-choice voting election for either park board or board of estimate and taxation, if applicable. At least one (1) precinct selected in each review must have had at least one thousand five hundred (1,500) votes cast in the election.
- (c) Single seat test. No later than two (2) days following completion of the vote tabulation, the chief election official shall select two (2) precincts by lot. Using the actual ballots cast in the two (2) precincts selected, the judges of the election shall conduct a manual count of votes cast for the office of council member using procedures called for in section 167.100 of this chapter and accompanying rules. The judges shall make a record of the votes cast and vote transfers made. Upon determining the outcome of the manual count, the judges shall perform a second test with the same ballots where votes cast are read and counted by the same voting equipment used in the precincts on election day, and shall determine the outcome of the count using the same software used to perform vote transfers at the ranked-choice counting center.
- (d) Multiple seat test. No later than two (2) days following completion of the vote tabulation, the chief election official shall select, by lot, two (2) precincts in a single ward. Using the actual ballots cast in the two (2) precincts selected, the judges of the election shall conduct a manual count of votes cast for a multiple seat office appearing on the ballot, also to be determined by lot. Using procedures called for in section 167.100 of this chapter and accompanying rules, the judges shall count the votes cast and perform vote transfers. Upon determining the outcome of the manual count, the judges shall perform a second test with the same ballots where votes cast are read and counted by the same voting equipment used in the precincts on election day, and shall determine the outcome of the count using the same software used to perform vote transfers at the ranked-choice counting voting tabulation center.
- (e) Standard of acceptable performance by voting system. A comparison of the results compiled by the voting system with the results compiled by the judges of election performing the manual count must show that the results of the electronic voting system differed by no more than one-half (1/2) of one (1) percent from the manual count of the sample tested. Valid votes that have been marked by the voter outside the vote targets or using a manual marking device that cannot be read by the voting system must not be included in making the determination whether the voting system has met the standard of acceptable performance.
- (f) Additional review. If the post-election review reveals a difference greater than one-half (1/2) of one (1) percent, in one (1) precinct, the post-election review official must, within two (2) days, conduct an additional review of two (2) more precincts in the same jurisdiction where the discrepancy was discovered. The chief election official must immediately publicly select by lot additional precincts for review. The additional review must be completed within two (2) days after the precincts are selected and the results immediately reported to the county auditor. If the second review also indicates a difference in the vote totals compiled by the voting system that is greater than one-half (1/2) of one (1) percent, in one (1) precinct, from the result indicated by the post-election review, the chief election official must conduct a review of the ballots from all the remaining precincts in the contest being reviewed. This review must be completed no later than two (2) weeks after the election.
- (g) Report of results. Upon completion of the post-election review, the chief election official must immediately report the results to the county auditor and be made public.
- (h) *Update of vote totals*. If the post-election review under this section results in a change in the number of votes counted for any candidate, the revised vote totals must be incorporated in the official result from those precincts.
- (i) Effect on voting systems. If a voting system is found to have failed to record votes accurately and in the manner provided by this chapter, the voting system may not be used at another election until it has been approved for use by the county auditor, pursuant to Minnesota Statute Section 206.58. In addition, the county auditor may order the city to conduct a manual recount of all votes cast in the election
- (j) Penalties to voting equipment system vendor. If the voting system failure is attributable to either its design or to actions of the vendor, the vendor is liable for the cost of a manual recount ordered per

section 167.130(g) 167.130(i) and is liable for additional penalties imposed per agreement between the city and the vendor.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following report:

HE&E – Your Committee, having received a presentation on City planning for H1N1 pandemic influenza response, now recommends approval of the *Statement of Ethics During a Severe Pandemic*, set forth in Petn No 273778 on file in the Office of the City Clerk.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

The HEALTH, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following report:

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant award of \$20,000 from the Minnesota Department of Health to provide lead safe work practices training, including classes in Spanish. Further, passage of the accompanying resolution appropriating \$20,000 to the Department of Regulatory Services.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

RESOLUTION 2009R-447 By Benson and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants - Other Fund (01600-8350300) by \$20,000 and increasing the Revenue Estimate (01600-8350300) by \$20,000.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following report:

IGR - Your Committee, having under consideration a report on Minneapolis Global Partnerships and revisions to the process and criteria for Minneapolis Sister City relationships, now recommends approval of the revised City of Minneapolis/Meet Minneapolis Global Partnerships Process and Criteria for Sister City Relationships documents, as set forth in the Department of Intergovernmental Relations staff report.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS – Your Committee, to whom was referred an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, amending the regulation of outdoor areas by deleting the restriction that service be provided to patrons only at tables, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/2/2009.

Ordinance 2009-Or-103 amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, amending Section 360.100 (c) to amend the regulation of outdoor areas by deleting the restriction that service be provided to patrons only at tables, was adopted 10/2/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-103
By Schiff
Intro & 1st Reading: 8/28/2009
Ref to: PS&RS
2nd Reading: 10/2/2009

Amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to Liquor and Beer: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 360.100 (c) of the above-entitled ordinance be amended to read as follows: **360.100.** Regulation of outdoor areas in on-sale liquor, wine, and beer establishments. The following regulations shall apply to all outdoor areas in on-sale liquor, wine, and beer establishments, including establishments holding sidewalk cafe permits:

(c) Service and capacity restrictions outside the downtown/eastbank commercial district: It is the policy of the city council that outdoor areas, located outside the downtown and eastbank commercial district described in section 362.430 360.10, are intended primarily for the service of patrons seated at tables and for the consumption of alcoholic beverages in conjunction with food service. Outdoor areas, created, maintained, or operated so as to enlarge an establishment's capacity to serve stand-up patrons tend to adversely impact upon residential and smaller commercial areas, and to overburden off-street parking facilities. Outside the downtown and eastbank commercial district described in section 362.430 360.10, no bar shall be located in an outdoor area except a service bar for the exclusive use of employees. Service shall be provided only at tables, however, this shall not prohibit patrons from carrying beverages from an inside area to the outdoor area. Customers shall not be allowed to occupy the outdoor area in greater numbers than the seating or service area capacity permits. An exemption to the service bar requirement of this subsection may be granted to an establishment which demonstrates that it regularly maintained a bar open for service to customers in its outdoor area prior to April 1, 1989.

Adopted 10/2/2009. Absent - Lilligren, Glidden.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, increasing the allowable opportunities for on-sale liquor, wine and beer establishments near the University of Minnesota football stadium to temporarily expand their licenses and premises for special events, now recommends that said ordinance be given its second reading for amendment and passage.

Gordon moved to amend Section 362.36 of the ordinance by adding new subsections (6) (7) and (8), to read as follows:

- (6) The city council may deny, revoke, suspend a license for any of the following reasons:
 - a. The existence of a temporary expansion disturbs the peace, quiet or repose of surrounding residential or commercial areas.
 - <u>The existence of a temporary expansion contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment.</u>
 - c. Any violation of the laws relating to the sale or service of alcoholic beverages.
 - d. Any violation of the terms of this section.
 - e. Any other good cause related to the operation of the establishment.

- (7) <u>Licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable.</u>
- (8) Director of licenses and consumer services to grant temporary expansion license in certain instances. When an application for a license for temporary expansion license has been filed too late to be considered on the regular agendas of the public safety and regulatory services committee and the city council prior to the scheduled date of the event, the director of licenses and consumer services may issue the license if the application is filed and complete, the fee including a fifty (50) percent late fee has been paid, and the required conditions listed above have been met. The director may also deny, suspend or revoke those licenses which he/she has issued based on the reasons listed above for which the city council may deny, suspend or revoke such licenses. The issuance of a temporary expansion license is subject to compliance with all applicable health and safety laws. Seconded.

Adopted upon a voice vote.

Absent - Lilligren, Glidden.

The report, as amended, was adopted 10/2/2009. Yeas, 10; Nays, 1 as follows:

Yeas - Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Johnson.

Nays - Colvin Roy.

Absent - Lilligren, Glidden.

Approved by Mayor Rybak 10/5/2009.

(Published 10/6/2009; Republished 10/8/2009)

Ordinance 2009-Or-104 amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, amending Section 362.36 to increase the allowable opportunities for on-sale liquor, wine and beer establishments near the University of Minnesota football stadium to temporarily expand their licenses and premises for special events, was adopted 10/2/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-104
By Gordon
Intro & 1st Reading: 8/28/2009
Ref to: PS&RS
2nd Reading: 10/2/2009

Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 362.36 of the above-entitled ordinance be amended to read as follows:

- **362.36.** Temporary expansion of premises license. (a) On-sale liquor, wine and beer establishments may obtain a temporary expansion of premises license for premises directly adjacent and contiguous to a permanently licensed premises and for entertainment not otherwise allowed under the establishment's permanent license.
 - (1) Application for a temporary expansion of premises license shall be made on forms provided by the director and shall contain the following:
 - a. The name and addresses of the on-sale license holder and its owners, officers or partners.

- b. A specific description and diagram of the area in which the temporary expansion activity is to occur. This area must be compact and contiguous to the permanently licensed premises, and be contained by physical enclosure devices.
- c. Written consent of the owner or manager of the premises, or a person or group with lawful responsibility for the premises.
- d. The purpose for which the temporary expansion is sought, and a <u>detailed</u> description of the planned activities including projected attendance, entertainment, food and beverage service, security plans, and hours of operation.
- e. Proof that auxiliary permits for purposes of amplified music, short term food, block event, temporary structures, temporary utilities, etc., Have been obtained.
- f. Such other information as the director may deem necessary.
- (2) No individual licensee shall be granted such license for outdoor premises more than four (4) times per calendar year, unless the permanently licensed premises is located within an area commencing at the point where the Interstate Highway 35W right-of-way intersects South Seventh Street; thence northwesterly along the centerline of South Seventh Street to the centerline of Park Avenue South; thence northeasterly to the centerline of Washington Avenue South; thence southeasterly to the point where Washington Avenue South intersects with the Interstate Highway 35W right-of-way; thence southwesterly along said right of way to the point of beginning. No individual licensee shall be granted such temporary expansion license for more than four (4) events in any twelve (12) month period, of which the duration of each event is not more than two (2) consecutive days. If the permanently licensed premises is located within either of the following two (2) defined areas, the individual licensee may be granted up to such number of temporary expansion licenses for any duration of consecutive days so as not to exceed twelve (12) days in any twelve (12) month period:
 - a. An area commencing at the point where University Avenue SE intersects 25th Avenue SE; thence northeasterly along the centerline of 25th Avenue SE to the centerline of 6th Street SE; thence northwesterly along the center line of 6th Street SE to the centerline of Oak Street SE; thence southwesterly and southeasterly along the centerline of Oak Street SE to the centerline of University Avenue SE; thence northwesterly along the centerline of University Avenue SE to the centerline of Walnut Street SE; thence southwesterly and southerly along Walnut Street SE to Delaware Street SE, thence easterly along the centerline of Delaware Street SE extended to the centerline of 25th Avenue SE, thence northeasterly along the centerline of 25th Avenue SE to the point of beginning.
 - b. An area commencing at the point where the Interstate Highway 35W right-of-way intersects South Seventh Street; thence northwesterly along the centerline of South Seventh Street to the centerline of Park Avenue South; thence northeasterly to the centerline of Washington Avenue South; thence southeasterly to the point where Washington Avenue South intersects with the Interstate Highway 35W right-of-way; thence southwesterly along said right-of-way to the point of beginning
- (3) The applicant shall file proof that the liability insurance required by this code of ordinances and by Minnesota Statutes Chapter 340A apply to the expanded area.
- (4) The hours of operation of a temporary expansion of premises license shall not exceed those hours authorized at the permanent premises, or any lesser hours specified as a condition of the temporary expansion of premises license.
- (5) The city council may authorize an establishment to conduct entertainment in the expanded area not otherwise allowed under its permanent license. Application for such permit shall be filed with the department of licenses and consumer services on a form prescribed by the director. The application for a temporary entertainment license shall indicate in detail the type of entertainment to be provided. The fees for a temporary entertainment expansion license shall be as established in Appendix J, License Fee Schedule.
- (6) The city council may deny, revoke, suspend a license for any of the following reasons:

- a. The existence of a temporary expansion disturbs the peace, quiet or repose of surrounding residential or commercial areas.
- b. The existence of a temporary expansion contributes to crime, disorderly behavior, noise, traffic, litter or parking problems in the area near the establishment.
- c. Any violation of the laws relating to the sale or service of alcoholic beverages.
- d. Any violation of the terms of this section.
- e. Any other good cause related to the operation of the establishment.
- (7) <u>Licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable.</u>
- (8) Director of licenses and consumer services to grant temporary expansion license in certain instances. When an application for a license for temporary expansion license has been filed too late to be considered on the regular agendas of the public safety and regulatory services committee and the city council prior to the scheduled date of the event, the director of licenses and consumer services may issue the license if the application is filed and complete, the fee including a fifty (50) percent late fee has been paid, and the required conditions listed above have been met. The director may also deny, suspend or revoke those licenses which he/she has issued based on the reasons listed above for which the city council may deny, suspend or revoke such licenses. The issuance of a temporary expansion license is subject to compliance with all applicable health and safety laws.
- (b) Director of licenses and consumer services to grant temporary expansion of premises and temporary entertainment licenses in certain places. When an application for a permit for temporary expansion of premises has been filed fewer than thirty (30) days prior to the scheduled date of the event or too late to be considered on the regular agendas of the public safety and regulatory services committee and the city council prior to the scheduled date of the event, the director of licenses and consumer services may issue the permit if the following conditions have been met:
 - (1) The application form has been completed and filed.
 - (2) The fee, including a fifty (50) percent late fee has been paid.
 - (3) The applicant has not been denied an application for temporary expansion of premises by the city council since any temporary expansion granted within the previous eighteen (18) months.
 - (4) The premises have not been designated by resolution of the city council pursuant to subsection 362.36(c) as requiring city council approval for a temporary expansion of premises.
- (c) The city council may by resolution establish a list of premises for which a temporary expansion of premises must be approved by the city council and for which the director may not issue a permit for a temporary expansion under subsection 362.36(b).

Adopted 10/2/2009. Yeas, 10; Nays, 1 as follows:

Yeas - Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Johnson.

Nays - Colvin Roy.

Absent - Lilligren, Glidden.

Approved by Mayor Rybak 10/5/2009.

PS&RS - Your Committee, having under consideration the application of Chino Latino, dba Chino Latino, 2916 Hennepin Av, for an On-Sale Liquor Class C-1 with Sunday Sales License (regular expansion of premises, and expansion of existing sidewalk cafe area) to expire January 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/2/2009.

PS&RS-Your Committee, having under consideration the application of Avenue One Entertainment LLC, dba Bootleggers, 313 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License (expansion of premises for an outdoor rear second floor deck) to expire January 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Goodman moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS-Your Committee, having under consideration the application of Music Box Theatre LLC, dba Music Box Theatre, 1407 Nicollet Av, for an On-Sale Wine Class A with Strong Beer License (new business) to expire April 1, 2010, and having held a public hearing thereon, now recommends passage of the accompanying resolution granting said license, subject to conditions.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Approved by Mayor Rybak 10/5/2009.

(Published 10/6/2009)

Resolution 2009R-448, granting the application of Music Box Theatre, 1407 Nicollet Av, for an On-Sale Wine Class A with Strong Beer License, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-448 By Samuels

Granting the application of Music Box Theatre, 1407 Nicollet Av, for an On-Sale Wine Class A with Strong Beer License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Music Box Theatre LLC, dba Music Box Theatre, 1407 Nicollet Av, for an On-Sale Wine Class A with Strong Beer License (new business) to expire April 1, 2010, subject to the following conditions:

- 1. Cinematic productions will be limited to 10% or less of the establishment's entertainment offerings.
 - 2. Live bands will be limited to 40% or less of the establishment's entertainment offerings.
- 3. The licensee shall provide a copy of the theatre's schedule of entertainment offerings on a monthly basis showing the live entertainment to cinematic productions percentage. This condition shall remain in effect for one year then the licensee shall provide a copy of the entertainment schedule upon request by any City official.
 - 4. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Approved by Mayor Rybak 10/5/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Quick Shop, 2801 Grand Av S, for a Grocery License, subject to conditions. Adopted 10/2/2009.

Absent Lillings Olides

Absent - Lilligren, Glidden.

Resolution 2009R-449, granting the application of Quick Shop, 2801 Grand Av S, for a Grocery License, subject to conditions, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-449 By Samuels

Granting the application of Quick Shop, 2801 Grand Av S, for a Grocery License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Abulamer Zahra, dba Quick Shop, 2801 Grand Av S, for a Grocery License, subject to the following conditions:

- 1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Grocery store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.
 - 2. The business agrees not to sell single cigars or single cigarettes.
- 3. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, scales, paper rolling devices, small zip lock bags also known as jewelry bags, single razor blades, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.
 - 4. The business agrees to keep all exterior and interior lights illuminated and functioning properly.
- 5. All the windows in the grocery store portion of the building shall remain completely open and free of signage.
 - 6. The owner shall comply with the Surveillance Camera Ordinance.
- 7. The owner agrees not to install temporary advertising banners or signs on the exterior of the premises, including the fences, walls or other fixtures of the property.
- 8. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.
- 9. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.
- 10. The business will have maximum operating hours as follows: Sunday through Thursday, 7:00 a.m. to 10:00 p.m.; Friday and Saturday, 7:00 a.m. to 11:00 p.m.
- 11. The business will stock a variety of common staple food items as is required by Minneapolis Code of Ordinances Chapter 203. Food items shall be removed from stock when the printed shelf life date has expired.
 - 12. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Broadway Winner, 626 W Broadway, for Off-Sale Beer, Grocery, Gasoline Filling Station, and Tobacco Dealer Licenses, subject to conditions.

Samuels moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Goodsports Bar and Grill, 200 W Broadway, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Adopted 10/2/2009.

Resolution 2009R-450, granting the application of Goodsports Bar and Grill, 200 W Broadway, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-450 By Samuels

Granting the application of Goodsports Bar and Grill, 200 W Broadway, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Goodsports Bar and Grill, dba Goodsports Bar and Grill, 200 W Broadway, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2010, subject to the following conditions:

- 1. The licensee will provide their written security plan to Business Licensing. The plan will include a method for controlling loitering and identifying those who are not patrons, and their removal from the facility to include the parking lot. The plan will be posted and all employees thoroughly trained on it. The plan includes the following: Minimum staff levels staff and security, Crime Prevention through Environmental Design Review, Trespassing policy, Towing policy, Youth Access to Alcohol policy, and a plan how the business will operate within entertainment class. Any changes to the approved plan will be reported and approved by the Division of Licenses and Police Department prior to implementation of changes.
- 2. The licensee will maintain their existing video surveillance equipment, record images of the existing video covered public areas of their premises and make the video surveillance data available on request to the Licensing or Police Department.
- 3. The licensee will maintain the existing halogen lights illuminating the parking lot and fluorescent lights in place along the 2nd Ave and W Broadway canopy covering the sidewalk and entry areas minimum. These lights will be turned on daily at dusk and remain on until parking lot is clear and secured.
- 4. The licensee agrees to paint the exterior of the building in a professional manner utilizing a new color scheme and shall be completed prior to opening the business.
- 5. The licensee agrees to submit and implement an exterior improvement drawing by April 15, 2010 that details the plantings that will be planted prior to June 1, 2010.
- 6. The licensee agrees to hire off duty officers and/or professional security personnel for a minimum of four hours per night Friday and Saturday 10:00 p.m. to 2:00 a.m. and will have at a minimum one dedicated personnel during all hours of operation to maintain order.
- 7. The licensee agrees to perform physical exterior safety patrols by security and/or staff with an effort to be conducted at least hourly during operations. An incident log will be maintained that describes the date, time, location and action taken for issues discovered during those patrols.
- 8. The licensee agrees to utilize an ID scanner by security at the entry door for all customers appearing to be under 35 years of age.
- 9. The licensee agrees to perform criminal background checks on all unknown employees and not hire employee persons with a criminal conviction history that includes drug possession, drug sales or alcohol offenses within the past three years. The licensee will also maintain employee files and make available to Licensing upon request the criminal background checks in accordance with all applicable laws.
- 10. The licensee will strictly enforce Minneapolis City Ordinance 364.30 and Minnesota State Statute 340A.502, sales to obviously intoxicated persons. No person may sell, give, furnish, or in any way procure for another alcoholic beverage for the use of an obviously intoxicated person.
- 11. The licensee will have a full menu available from 11:00 a.m. to 9:00 p.m. The establishment will have the following four menu items available from 9:00 p.m. to close ham sandwiches, turkey sandwiches, pizzas, and chips.

- 12. The licensee will not advertise any promotions involving unrestricted consumption of alcohol.
- 13. The licensee will not accept patrons from party buses.
- 14. The licensee will actively participate in the business block club and contribute to the goals and projects of that group.
 - 15. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS - Your Committee, having under consideration the application of Bar La Grassa LLC, dba Bar La Grassa, 800 Washington Av N, #102, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2010, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Approved by Mayor Rybak 10/5/2009.

(Published 10/6/2009)

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Resolution 2009R-451, granting applications for Liquor, Wine and Beer Licenses, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-451 By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273785):

Off-Sale Liquor, to expire October 1, 2010

Team Liquor Inc, dba Team Liquor Wine & Spirits, 19 S 7th St

DTB Corporation, dba Greenway Liquor, 105 W Grant St

Aramark Food Service LLC, dba 500 11th Av S

Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av

Dinkytown Wine & Spirits Inc, dba Dinkytown Wine & Spirits, 1412 5th St SE

Brothers Image LLC, dba B & G Wine and Liquor, 2201 University Av NE

Gawron's Liquors Inc, dba River Liquors, 2435 Marshall St NE

Skol Inc, dba Skol Liquors, 2500 27th Av S

McCleary Wine & Spirits LLC, dba Central Ave Liquors, 2538 Central Av NE

Meka Inc, dba Minnehaha Liquor, 2613 E Lake St

Zipp's Liquor Store Inc, dba Zipp's Liquor, 2618 E Franklin Av

JPOC Inc, dba Union Liquor Store, 3219 Penn Av N

East Lake Liquor & Deli Inc, dba East Lake Liquor & Deli, 3916 E Lake St

Thind Family LLC, dba Camden Liquors, 4153 Lyndale Av N

France 44 Liquors Inc, dba France 44 Wines & Spirits, 4351 France Av S

McDonalds Liquor Inc, dba McDonalds Liquor Store, 5010 34th Av S

Off-Sale Malt Liquor, to expire October 1, 2010

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av, 1st floor (growler license)

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2010

Drink Inc, dba Drink, 26 5th St N

City Center Hotel Ltd Partnership, dba Marriott City Center Minneapolis, 30 S 7th St

Epic Entertainment LLC, dba Epic, 110 5th St N

Fine Line Music Ventures Inc, dba Fine Line Music Café, 318 1st Av N

Aramark Food Service LLC, dba Aramark Food Service, 500 11th Av S

Aramark Food Service LLC, dba Aramark Food Service, 600 1st Av N

Lee Consultants Ltd, dba Sticks, 708 1st St N

Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av

Dakota Cooks LLC, dba Dakota Jazz Club & Restaurant, 1010 Nicollet Mall

First Global LLC, dba Hilton Garden Inn, 1101 4th Av S

Minnesota Orchestral Association, dba Orchestra Hall, 1111 Nicollet Mall

Seven Corners Hotel Partners Ltd, dba Holiday Inn Metrodome, 1500 Washington Av S

Old Chicago of Colorado Inc, dba Old Chicago, 2841 Hennepin Av

Wild Entertainment Ltd, dba Ground Zero/The Front, 15 4th St NE

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2010

D'Amico Catering LLC, dba D'Amico Catering at the Atrium, 275 Market St, Suite #C25 (new business; downgrade from Class A with Sunday Sales)

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2010

D'Amico Catering LLC, dba D'Amico Catering at Calhoun Beach Club, 2925 Dean Pkwy (new business; downgrade form Class A with Sunday Sales)

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2010

Coreyxo LLC, dba Nicollet Island Inn, 95 Merriam St

Ukrainian American Community Center, dba Ukrainian American Community Center, 301 Main St NE

The Bulldog NE, Inc, dba The Bulldog Restaurant NE, 401 E Hennepin Av

Restaurant Entertainment Group Inc, dba Rosen's/The District, 430 1st Av N, #101

Restaurant Entertainment Group Inc., dba Refuge, 430 1st Av N

501 Club Inc, dba 501 Club, 501 Washington Av S

JLB LLC, dba The Loop, 606 Washington Av N

Campus Partners Inc, dba Sally's, 712 Washington Av SE

Restaurants Unlimited Inc, dba Walker Room, 825 Hennepin Av, #245

Solera Restaurant Holdings LLC, dba Solera Restaurant, 900 Hennepin Av

Whiskey Entertainment Corp, dba Whiskey Junction, 901 Cedar Av S

Library IV Ltd LLP, dba Library Minneapolis (The), 1301 4th St SE

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE

Minneapolis Aerie #34 F O E, dba Minneapolis Aerie #34, F O E, 2507 E 25th St

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2010

400 Bar, dba 400 Bar, 400 Cedar Av S

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2010

1st Avenue Entertainment Group Inc, dba Shout House, 600 Hennepin Av, #100

O'Donovan's Irish Pub LLC< dba O'Donovans Irish Pub, 700 1st Av N

Local LLC, dba Local An Epurican Cafe & Pub, 931 Nicollet Mall

Brit's Ltd, dba Brit's Pub & Eating Establishment, 1110 Nicollet Mall

Schooner Inc, dba Schooner Tavern, 2901 27th Av S, 1st floor

Mirviss Israel, dba Sunny's, 2944 Chicago Av

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2010

Hennepin Theatre Trust, dba Hennepin Stages, 824 Hennepin (new business)

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2010

News Room Inc, dba News Room, 990 Nicollet Mall

Hells Kitchen Inc., dba Hells Kitchen, 80 S 9th St

J D Hoyt's Inc, dba J D Hoyt's, 301 Washington Av N

Two Mac Inc, dba Mackenzie, 918 Hennepin Av

G & K Vegas Inc, dba Vegas Lounge, 965 Central Av NE, 1st floor

Creative Restaurants Inc, dba Bullwinkles, 1429 Washington Av S, 1st floor

La Perla Del Pacifico Inc, dba La Perla Del Pacifico, 6009 Nicollet Av

On-Sale Liquor Class D with Sunday Sales, to expire October 1, 2010

Tickles Food and Bar Inc, dba Tickles Food & Bar, 1032 3rd Av NE

S B Food Services Inc, dba Jewel of India, 1427 Washington Av S

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2010

Ike's LLC, dba Ike's Food & Cocktails, 50 S 6th St

PFC Systems Inc, dba Burrito Loco, 418 13th Av SE

Loon Cafe Inc, dba Loon Cafe, 500 1st Av N

Fuji Two Inc, dba Fuji Ya Restaurant, 600 W Lake St

Manhattan LLC, dba Manhattans Martini Bar, 800 LaSalle Av, #130

McCormick & Schmick Restaurant Corp, dba McCormick & Schmicks Seafood Restaurant, 800 Nicollet Mall

Maxwell's Operations LLC, dba Maxwells American Cafe, 1201 Washington Av S

Dusty's Inc, dba Dusty's Bar, 1319 Marshall St NE

Levit Holdings Ltd, dba Ichiban Japanese Steakhouse, 1333 Nicollet Mall

Glenda Corporation, dba Mortimer's Bar & Restaurant, 2001 Lyndale Av S

Sumick Inc., dba Lyle's Bar & Restaurant, 2021 Hennepin Av

Halek's Bar Inc, dba Halek's Br, 2024 Washington Av N

Orig Broadway Stat Inc, dba Broadway Station, 2025 W River Rd

Haze 2 Group, dba Grumpy's Bar, 2200 4th St NE

Tri-Franklin LLC, dba Tracy's Saloon & Eatery, 2205 E Franklin Av

Tony Jaros' River Gardens Inc, dba Tony Jaros' River Gardens, 2500 Marshall St NE

TMMS Inc, dba C C Club, 2600 Lyndale Av S

Uptown Brewing Company LLC, dba Herkimer Pub & Brewery, 2922 Lyndale Av S

Temporary On-Sale Liquor

DeLaSalle High School, dba DeLaSalle High School, 1 De LaSalle Dr (October 10, 2009, 5:30 p.m. to 11:00 p.m.; Liquor service provided by Cuzzy's)

Edison Community Sports Foundation, dba Edison Community Sports Foundation, 700 22nd Av NE (October 2, 2009, 6:00 p.m. to 10:00 p.m., Alumni Homecoming at Edison High School)

On-Sale Wine Class A with Strong Beer, to expire April 1, 2010

American Swedish Institute, dba American Swedish Institute, 2600 Park Av

On-Sale Wine Class E with Strong Beer, to expire April 1, 2010

New York Latin Buffet Inc, dba New York Latin Buffet, 1304 E Lake St (change in ownership from New York Restaurant LLC)

Temporary On-Sale Wine

Innercity Tennis Foundation, dba Innercity Tennis Foundation, 4005 Nicollet Av (October 24, 2009, 6:00 p.m. to 10:30 p.m., Annual fundraiser and tennis exhibition at Reed-Sweatt Family Tennis Center)

Off-Sale Beer, to expire April 1, 2010

Kabalan Co, dba Pump and Much, 4401 Nicollet Av (new proprietor)

Bakri Eddie I, dba Twins Stop N Go, 641 Broadway St NE.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 10/2/2009.

Resolution 2009R-452, granting applications for Business Licenses, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-452 By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 2, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273785):

Place of Amusement Class B-2; Carnival; Car Wash; Fire Extinguishing Servicing Class A; Caterers; Food Manufacturer; Meat Market; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Fuel Dealer Cash & Carry Only; Bulk Gas & Oil Storage; Gasoline Filling Station; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class A; Towing Class B; Towing Class C; Towing Class D; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Precious Metal Dealer; Antique Dealer Class B; Solid Waste Hauler; Suntanning Facility; Tattooist/Body Piercer; Taxicab Vehicle Fuel Efficient; Theater Zone I; Tobacco Dealer; Combined Trades; Wrecker of Buildings Class A.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Resolution 2009R-453, granting applications for Gambling Licenses, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-453 By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273785):

Gambling Class B

Church of St. Maron, dba Church of St. Maron, 600 University Av NE (Raffle September 27, 2009) St. Paul Wrestling Club, dba St. Paul Wrestling Club, 2217 22nd Av NE (Site: Haleks Bar, 2024 Washington Av N)

Twin Cities Wrestling Club, dba Twin Cities Wrestling Club, 2217 22nd Av NE (Site: Halek's Bar, 2024 Washington Av N, pulltabs, pulltabs with dispensing device, paddlewheel, bar bingo)

Southwest Hockey, dba Southwest Hockey, PO Box 24825 (Site: Prestons Urban Pub, 221 Cedar Av S, pulltabs)

Gambling Exempt

Boys & Girls Clubs of the Twin Cities, dba Boys & Girls Clubs of the Twin Cities, 6500 Nicollet v, Suite 201 (Raffle August 30, 2009 at Restaurant Max, 214 S 4th St)

American Lebanese Syrian Associated, dba American Lebanese Syrian Associated, 4830 W 77th St, Suite 102, Edina (Raffle September 17, 2009 at Depot Minneapolis, 225 3rd Av S)

American Brain Tumor Association, dba American Brain Tumor Association, 2720 S River Rd, #146, Des Plaines, IL (Raffle September 19, 2009 at The Depot - Courtyard by Marriott, 225 3rd Av S) Downtown Ducks Unlimited, dba Downtown Ducks Unlimited, 333 S 7th St,

Suite 440 (Raffle September 17, 2009 at The Minneapolis Club, 792 2nd Av S)

Church of St. Helena, dba Church of St. Helena, 3204 E 43rd St (Bingo, Raffle, Pulltabs September 18 - 20, 2009)

Survivors Training, dba Survivors Training, 1509 Hythe St, St. Paul (Raffle September 26, 2009 at Open Book, 1011 Washington Av)

Childrens Heartlink, dba Childrens Heartlink, 5075 Arcadia Av, Edina (Raffle October 2, 2009 at Hilton Minneapolis, 1001 Marquette Av)

Church of Our Lady of Peace, dba Church of Our Lady of Peace, 5426 12th Av S (Raffle, Bingo, Paddlewheels October 2 - 4, 2009 at Our Lady of Peace School, 5435 11th Av S)

St. John the Baptist Byzantine Catholic Church, dba St. John the Baptist Byzantine Catholic Church, 2215 3rd St NE (Bingo, Raffle, Paddlewheels, Pulltabs October 4, 2009)

Accessability Inc, dba Accessability Inc, 360 Hoover St NE (Raffle October 15, 2009)

Church of St. Joan of Arc, dba Church of St. Joan of Arc, 4537 3rd Av S (Raffle October 23 & 24, 2009)

Our Lady of Victory Catholic Church, dba Our Lady of Victory Catholic Church, 5155 Emerson Av N (Raffle October 24, 2009)

Second Harvest Heartland, dba Second Harvest Heartland, 1140 Gervais Av, Maplewood (Raffle November 2, 1009 at International Market Square, 275 Market St)

Minnesota Chorale, dba Minnesota Chorale, 528 Hennepin Av, Suite 407 (Raffle November 12, 2009 at Jefferson Community School, 1200 W 26th St)

Northside Arts Collective, dba Northside Arts Collective, 1011 W Broadway Av (Raffle November 13, 2009 at Lundstrum Center for Performing Arts, 1617 N 2nd St)

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, pulltabs November 15, 2009)

Jeremiah Program, dba Jeremiah Program, 1510 Laurel Av #100 (Raffle November 21, 2009 at Minneapolis Depot, 225 3rd Av S)

Open Arms of Minnesota, dba Open Arms of Minnesota, 1414 E Franklin Av (Raffle November 21, 2009 at Graves 601 Hotel, 601 1st Av N)

Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (Raffle December 5 & 6, 2009) Minneapolis Regional Chamber of Commerce, dba Minneapolis Regional Chamber of Commerce, 81 S 9th St, Suite 200 (Raffle December 9, 2009 at Jax Cafe, 1928 University Av NE)

Best Prep, dba Best Prep, 7100 Northland Circle N, Suite 402, Brooklyn Park (Raffle January 23, 2010 at International Market Square, 275 Market St).

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Visage, 404 3rd Av N.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Resolution 2009R-454, granting approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Visage, 404 3rd Av N, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-454 By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Visage, 404 3rd Av N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on February 17, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded:

- a. That an assault occurred on the licensed premises;
- b. At the time of the assault, the establishment did not have a detailed security plan in place setting policies and procedures for security staff; and
- The licensee is changing the format of the establishment from the current concept to a sports bar concept;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. The Minneapolis Licenses and Consumer Services Division will impose a \$1,000 sanction for cost recovery purposes that will be due at the time of signing this agreement.
- 2. The licensee will establish a security/employee handbook which will include: a youth alcohol compliance policy; clearly state the wrist banding policy for anyone under the age of 21 or for use when needed; clearly state that employees will report all crimes that occur on or immediately surrounding (within 50 feet) the licensed premises when present; indicate written communication policy stating alcohol compliance concerns will be addressed at regular staff meetings; employee consequences for any failures in policy or violations of the law; a self-checking procedure; a policy stating everyone must get "carded" regardless of the circumstances; a policy establishing secondary "carding" another employee; new employees receive alcohol server training within 30 days of hire; refresher alcohol server training annually for all staff; manager training for security manager, bar manager, and general manager one time a year; establish a written policy stating there will be a ratio of one security staff member for every 30 to 50 patrons; clearly state all circumstances when to use disposable or other distinguishable cups; establish a policy and standard phrases to use over the P.A. system at closing time or as needed; state that employees will follow proper procedure for confiscated ID cards; use of off-duty police officers and communication with 1st Precinct regarding "problem nights". This handbook must be adhered to as part of this agreement and a copy is due within 30 days of the signing of this agreement.

A copy of the establishment's security handbook has been submitted and as part of this agreement, the licensee agrees to the above standards.

- 3. Licenses & Consumer Services will be notified at least 15 days in advance of any new concert events that are promoted as mixed age events, open to the general public.
- 4. Purchase electronic identification scanner within 30 days of signing this agreement. The device has been purchased and is being utilized.
- 5. Do not allow promoters to have control of and portion of the licensed premises or receive proceeds from beverage alcohol sales.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS-Your Committee, having under consideration the Rental Dwelling License for the property located at 3235 Vincent Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Megan Baldwin (Petn No 273794).

Adopted 10/2/2009.

PS&RS-Your Committee, having under consideration the Rental Dwelling License held by Timothy LaCroix for the property located at 1717-19 Dupont Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, and 244.1940 of the Minneapolis Code of Ordinances relating to failure to submit a management plan after a qualifying incident of disorderly use, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Ray H. Bolden for the property located at 2712 Penn Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, and 244.1940 of the Minneapolis Code of Ordinances relating to failure to provide a current, complete and accurate rental dwelling rental license application on file with the director of inspections, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS-Your Committee, having under consideration the Rental Dwelling License held by Antonio Holley for the property located at 2523 Logan Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, and 244.1940 of the Minneapolis Code of Ordinances relating to failure to submit a management plan after two qualifying incidents of disorderly use, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Spolinsky D. Jacox for the property located at 3522 Lyndale Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, and 244.1940 of the Minneapolis Code of Ordinances relating to rental dwelling units exceeding the maximum number allowed by Zoning, units illegally occupied, and units used or converted to rooming units in violation of the Zoning Code; and good cause, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS-Your Committee, having under consideration the Rental Dwelling License held by Jeffrey Webster for the property located at 2125 Aldrich Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930, and 244.1940 of the Minneapolis Code of Ordinances relating to rental dwelling units exceeding the maximum number allowed by Zoning; units illegally occupied; and units used or converted to rooming units in violation of the Zoning Code; and good cause, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 10/2/2009.

PS&RS - Your Committee recommends that the proper City officers be authorized to execute an agreement with Novartis Pharmaceutical to provide firefighter education related to the Stop, Drop & Control Blood Pressure Control Program, and to allow the use of the campaign logo on firefighter gear and apparatus.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS – Your Committee, having under consideration the property located at 1403 E 26th St, which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld and that the structure located at 1403 E 26th St be demolished, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS – Your Committee, having under consideration the property located at 2214 4th Av N, which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld and that the structure located at 2214 4th Av N be demolished, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS – Your Committee, having under consideration the property located at 4237 Dupont Av N, which has been determined by the Inspections Division of the City of Minneapolis to constitute a nuisance under the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued to the property owner, which was subsequently appealed to the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel that said Order be upheld and that the structure located at 4237 Dupont Av N be demolished, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk, which are hereby made a part of this report by reference.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a grant award of \$161,000 and execute an agreement with Minnesota Homeland Security and Emergency Management for participation in the Minnesota Joint Analysis Center for the regional sharing of intelligence information. Further, passage of the accompanying resolution appropriating \$161,000 to the Police Department.

Adopted 10/2/2009.

RESOLUTION 2009R-455 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4002745) by \$161,000 and increasing the Revenue Source (01300-4002745-321010) by \$161,000.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Fourth Judicial District Court to receive a grant award of \$82,000, for a portion of the implementation of an Adult DWI Court in Hennepin County, to fund wages for police officers to participate in the program over a two-year period. Further, passage of the accompanying resolution appropriating \$82,000 to the Police Department.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

RESOLUTION 2009R-456 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-4002735) by \$82,000 and increasing the Revenue Source (01600-4002735-321513) by \$82,000.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with the University of Minnesota to receive \$60,000 to provide enhanced police enforcement primarily in the neighborhoods around the University campus during football and other campus events in support of the University of Minnesota Police Department. Further, passage of the accompanying resolution appropriating \$60,000 to the Police Department.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

RESOLUTION 2009R-457 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Revenue Fund (01210-4002750) by \$60,000.

Adopted 10/2/2009.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to pay the following nine law enforcement agencies a total amount of \$92,174.28 for their assistance during the collapse of the 35W bridge:

Blaine	\$7,228.62
Bloomington	61,634.74
Centennial Lakes	2,720.00
Coon Rapids	3,380.49
Cottage Grove	1,113.80
Fridley	4,209.66
Richfield	3,270.00
Roseville	2,143.47
1854 Treaty	6,473.50

Adopted 10/2/2009. Absent - Lilligren, Glidden.

PS&RS & W&M/Budget - Your Committee, having under consideration the 2009 Recovery Act Edward Byrne Memorial Competitive Grant Program, now recommends that the proper City officers be authorized to accept \$442,140 and execute an agreement with the United States Department of Justice, Office of Justice Programs, to develop a computer forensic analysis function for the investigation of major crimes and asset forfeiture. The grant will support 2.5 Full-Time Equivalent positions and additional, enhanced equipment for the investigation of complex drug, white collar, child pornography and other crimes. Further, passage of the accompanying resolution appropriating Adopted 10/2/2009.

Absent - Lilligren, Glidden.

RESOLUTION 2009R-458 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4003300) by \$442,140 and increasing the Revenue Source (01300-4003300-321010) by \$442,140.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$113,857 and execute a contract with the United States Department of Justice, Office of Justice Programs - National Institute of Justice Coverdell Forensic Science Improvement Grant Program, to provide funds to purchase a new digital photo mini lab that is capable of printing from both digital media and negative film, printing photos, CDs, and court-quality displays. Further, passage of the accompanying resolution appropriating \$113,857 to the Police Department.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

RESOLUTION 2009R-459 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4003300) by \$113,857 and

increasing the Revenue Source (01300-4003300-321010) by \$113,857.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

PS&RS & W&M/Budget - Your Committee, having under consideration the Recovery Act Justice Assistance Grant, now recommends that the proper City officers be authorized to accept \$179,532 and execute a contract with the Minnesota Department of Public Safety, Office of Justice Programs, to provide funds for the City Attorney's Office to hire a new Victim Witness Assistant, through an outside vendor, for a two-year period. Further, passage of the accompanying resolution appropriating \$179,532 to the City Attorney's Office.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

RESOLUTION 2009R-460 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the City Attorney's Office Agency in the Grants – Federal Fund (01300-1400100) by \$179,532 and increasing the Revenue Source (01300-1400100) by \$179,532.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Downtown Business Improvement Special Service District, and having held a public hearing thereon, now recommends passage of the accompanying resolution approving special services, the cost estimates, service charges, and the lists of service charges for 2010 in the Downtown Business Improvement Special Service District, and directing the City Engineer (with the Minneapolis Downtown Improvement Service District) to proceed with the work.

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

Approved by Mayor Rybak 10/5/2009.

(Published 10/6/2009)

Resolution 2009R-461, approving special services, the cost estimates, service charges and the lists of service charges for 2010 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-461 By Colvin Roy

Approving special services, the cost estimates, service charges and the lists of service charges for 2010 in the Downtown Business Improvement Special Service District and directing the City Engineer to proceed with the work.

Whereas, a public hearing was held on September 22, 2009, in accordance with Laws of Minnesota, Chapter 428A and Chapter 465 of the Minneapolis Code of Ordinances to consider the

proposed special services, the proposed service charges, and the proposed lists of service charges as more particularly described in Petn No 273800 on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$6,187,500 for 2010, and the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$6,113,145 (being a newly implemented special service district with service revenues beginning in 2009 as provided for in Section 465.80 of the Minneapolis Code of Ordinances, and \$74,355 to be raised through other sources) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Downtown Business Improvement Special Service District.

Be It Further Resolved that the City Engineer (with the Minneapolis Downtown Improvement Service District) is hereby directed to proceed with the work.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2010 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

Approved by Mayor Rybak 10/5/2009.

T&PW - Your Committee, having under consideration the Chicago-Lake, Bloomington-Lake, and East Lake Special Service Districts, and having held a public hearing thereon, now recommends passage of the accompanying resolution approving special services, the cost estimates, service charges, and the lists of service charges for 2010 in the Chicago-Lake, Bloomington-Lake, and East Lake Special Service Districts, and directing the City Engineer to proceed with the work.

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

Approved by Mayor Rybak 10/5/2009.

(Published 10/6/2009)

Resolution 2009R-462, approving special services, the cost estimates, service charges, and the lists of service charges for 2010 in the Chicago-Lake, Bloomington-Lake, and East Lake Special Service Districts and directing the City Engineer to proceed with the work, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-462 By Colvin Roy

Approving special services, the cost estimates, service charges, and the lists of service charges for 2010 in the Chicago-Lake, Bloomington-Lake, and East Lake Special Service Districts, and directing the City Engineer to proceed with the work.

Whereas, public hearings were held on September 22, 2009, in accordance with Laws of Minnesota, Chapter 428A, Sections 428A.01 through 428A.10 and Chapters 460, 461, and 462 of the Minneapolis Code of Ordinances to consider the proposed special services, the proposed service charges, and the proposed lists of service charges as more particularly described in Petn No 273800 on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$35,000 for 2010, and that the proposed service charges and the proposed list of service charges for 2010 in the

total amount of \$30,353 (amount remaining after adjusting the cost estimate of \$35,000 for previous years' unexpended balances and additional costs as provided for in Section 461.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Chicago-Lake Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$38,750 for 2010, and that the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$36,077 (amount remaining after adjusting the cost estimate of \$38,750 for previous years' unexpended balances and additional costs as provided for in Section 460.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk, be and hereby are approved for the Bloomington-Lake Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$40,000 for 2010, and that the proposed service charges and the proposed list of service charges for 2010 in the total amount of \$40,000 (being a newly implemented special service district with services revenues beginning in 2010 as provided for in Section 462.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the East Lake Special Service District.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2010 real estate tax statements in the same manner as special assessments without interest charges, and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

Approved by Mayor Rybak 10/5/2009.

T&PW - Your Committee, having under consideration a request from residents of the 3300 block of Prospect Terrace (south side) for the establishment of a "Type A" Critical Traffic and Parking Area, as set forth in Petn No 273800, the Department of Public Works having verified that the petitions submitted represent more than 75 percent of the residents of the affected properties, and the City having determined that the findings are met thereby meeting the requirements for a Critical Parking Area, now recommends passage of the accompanying Ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, establishing Critical Parking Area No 30, to be signed: "2 Hour Parking, 8 am - 5 pm Daily, Except by Permit".

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

Ordinance 2009-Or-105 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending Section 478.730 to add the south side of the 3300 block of Prospect Terrace as Critical Parking Area No 30, was adopted 10/2/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-105 By Colvin Roy 1st & 2nd Readings: 10/2/2009

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing.*

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.730 of the above-entitled ordinance be amended by adding thereto the following Loading Zone:

No 3622 - South side of the 3300 block of Prospect Terrace (Critical Parking Area No 30) (2 Hour Parking, 8 am - 5 pm Daily, Except by Permit).

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

T&PW - Your Committee, having under consideration renovations to Pump Station No 4, now recommends that the proper City officers be authorized to execute Amendment No 3 to Contract C-26005 with Madsen-Johnson Corporation, increasing the contract by an estimated \$460,145.22, for a revised contract total of approximately \$8,665,854.22, to allow for work not included in the original scope of the contract. Funds are available within the existing project budget.

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

T&PW - Your Committee, having under consideration the Dewatering Plant Improvements Project, now recommends that the proper City officers be authorized to increase the scope of services in the engineering services agreement with HDR Engineering, Inc., by \$470,000, for a revised contract total of \$2,470,000, to allow for work outside the requested scope of the agreement and/or added value to the project. No additional appropriation required.

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Progressive Bicycle Cities Coalition (PBCC) gathering to be held in Portland, Oregon, October 1-3, 2009, now recommends passage of the accompanying resolution accepting a donation from the City of Portland and Mia Birk (Alta Planning + Design) for travel expenses and related events to allow for a bicycle delegate to attend the PBCC gathering.

Your Committee further recommends that the proper City officers be authorized to designate a Public Works employee to represent the City of Minneapolis at the gathering.

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

Resolution 2009R-463, accepting a donation from the City of Portland and Mia Birk for travel and related expenses for a bicycle delegate to attend the Progressive Bicycle Cities Coalition (PBCC) gathering in Portland, Oregon, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-463 By Colvin Roy and Ostrow

Accepting the donation of travel expenses for a bicycle delegate to attend the Progressive Bicycle Cities Coalition (PBCC) gathering in Portland, Oregon.

Whereas, on August 25, 2009, the City of Portland invited the City of Minneapolis to participate in the chartering of the Progressive Bicycle Cities Coalition (PBCC); and

Whereas, this three day gathering of the PBCC is intended to establish a framework for this coalition to advance technology and innovation in the development of urban bicycle transportation systems and guide national policy, standards, and best practices to support these systems; and

Whereas, the PBCC collaboration is needed to create a model for U.S. cities to illustrate how providing quality bicycle infrastructure and programs can provide transportation options, promote healthier citizens, and reduce the effects of global climate change; and

Whereas, the City of Portland subsequently offered a donation of travel expenses including airfare, ground transportation, bicycle rental, accommodations, meeting materials, and meals; and

Whereas Mia Birk, with Alta Planning + Design, has kindly offered to provide each representative with a complimentary ticket to the David Byrne event; and

Whereas, the Minneapolis Bicycle Program helps those who live, work, and visit the City to use bicycles as a low polluting, cost-effective, and healthy way to travel; and

Whereas, Minneapolis is nationally recognized for its bicycle program; and

Whereas, participating in the PBCC will increase our city's knowledge on improving bicycle transportation and provide public benefit to the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept a donation, in the estimated value of \$1,000, for travel expenses and related events for the PBCC gathering in Portland Oregon including airfare, ground transportation, bicycle rental, accommodations, meeting materials, event tickets, and meals from the City of Portland and Mia Birk, respectively.

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

T&PW & W&M/Budget - Your Committee, having under consideration the lease of City-owned office space at the Mill Quarter Municipal Parking Ramp (709 2nd St S), now recommends:

- a) Rescinding the Council action of August 8, 2008, executing a six-year lease with Froisatoni, LLC for the lease of office space in the Mill Quarter Parking Ramp, due to the tenant forming the corporation under a different name; and
- b) That the proper City officers be authorized to negotiate and execute a five-year lease, to include renewal options, with Froid Holdings, LLC for office and storage space in the Mill Quarter Municipal Parking Ramp (709 2nd St S). Revenue from the lease will be deposited in the Parking Fund.

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7176 from W.W. Goetsch Associates, Inc., in the amount of \$124,800, to furnish and deliver submersible sludge pumps to the City of Minneapolis Public Works Water Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 10/2/2009.

Absent - Hofstede, Lilligren, Glidden.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Resolution 2009R-464, authorizing subrogation settlement with American Family Insurance Company in the matter of *Vang Khang and Yee Moua v. City of Minneapolis*, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-464 By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the subrogation settlement in the matter of *Vang Khang and Yee Moua v. City of Minneapolis*, by payment of \$7,847.37 to American Family Mutual Insurance Company, from the Internal Service Self Insurance Fund (06900-1500100-145400).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

W&M/Budget - Your Committee, having under consideration the Printer Right Sizing Effort initiative with Toshiba Business Solutions to reduce the number of printers and copiers in our environment resulting in cost savings to the City, now recommends that the remaining devices not sold at the City auction be donated to local charitable organization.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

W&M/Budget - Your Committee, having under consideration federal grant funds from the Minnesota Department of Health for Public Health Emergency Response, now recommends that the proper City officers be authorized as follows:

- a) To accept \$313,132 to support and enhance the infrastructure critical to public health preparedness, and response to ongoing and emerging outbreaks of novel Influenza A (H1N1) virus; and
- b) Passage of the accompanying resolution appropriating \$313,132 to the Department of Health and Family Support.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

RESOLUTION 2009R-465 By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health and Family Support in the Grants - Federal Fund (01300-8600150) by \$313,132 and increasing the Revenue Source (01300-8600150-321000) by \$313,132.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

W&M/Budget - Your Committee, having under consideration the results of a Request for Proposals (RFP) process for the City's banking and custodial services and having received the recommendation from the Banking Services Steering Committee, now recommends authorizing proper City officers to execute contracts with the following service providers:

- a) Wells Fargo Bank for the City's General Cash Management Services and for Retail Lockbox Services;
 - b) US Bank for the City's Trust/Custodial Services and Merchant Services; and
 - c) Dunbar for the City's On Street Meter Coin Processing Services.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a labor agreement with the Police Officers' Federation of Minneapolis, effective October 15, 2008 through December 31, 2011.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Resolution 2009R-466, approving the terms of a labor agreement with the Police Officers' Federation of Minneapolis, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-466 By Ostrow

Approving the terms of a collective bargaining agreement with the Police Officers' Federation of Minneapolis and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Police Officers' Federation of Minneapolis (Petn 273807), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by L and R Development LLC and Ramsey Excavating Company from the decision of the Board of Adjustment upholding the Zoning Administrator's decision that rock crushing is a permanent use and is therefore not permitted on the property at 4022 1/2 Washington Avenue N in the I2 Medium Industrial District, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

- **Z&P** Your Committee, having under consideration the application of Sherman Associates, Inc., for an interim use permit (BZZ-4524) for a temporary 20 space accessory surface parking lot at 935 Second Street S, now recommends adoption of the findings of Community Planning & Economic Development staff, and approval of said application upon the following conditions:
 - 1) The interim use shall expire no later than October 2, 2012;
- 2) At the end date of the interim use the applicant shall cease operation of the temporary 20-space accessory surface parking lot or apply for applicable land use approvals;
- 3) The curb cut located along Second Street S shall be removed and replaced with curbing and a green boulevard; and
- 4) Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development Planning Division.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Z&P-Your Committee, having under consideration the appeal filed by Daniel Bilot from the decision of the Planning Commission granting applications by Jon Horning on behalf of D&B 2401, LLC, for a nonconforming use change from a grocery store to a coffee shop, subject to the condition that the applicant shall provide a landscaped yard 7 feet in width along with screening at least 95 percent opaque between the property and the residential use to the south, and a nonconforming use change from a hair salon to a tattoo and body piercing parlor, subject to conditions that the applicant shall provide: a landscaped yard 7 feet in width along with screening at least 95 percent opaque between the property and the residential use to the south, a landscaped yard at least 5 feet in width between the parking lot and the property to the east, and a landscaped yard at least 7 feet wide with plantings at least 3 feet in height and 60 percent opaque between the parking lot and Dupont Avenue S, all at 2401 Dupont Avenue S, now recommends that said appeal be denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Z&P - Your Committee, having under consideration *The Minneapolis Plan for Sustainable Growth* as the updated comprehensive plan for the City of Minneapolis, as authorized by the July 22, 2009, action of the Metropolitan Council, now recommends adoption of the plan with the incorporation of the recommended technical comments.

Your Committee further recommends passage of the accompanying resolution adopting *The Minneapolis Plan for Sustainable Growth*.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Resolution 2009R-467, regarding adoption of *The Minneapolis Plan for Sustainable Growth* as the City's Comprehensive Plan, was adopted 10/2/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-467 By Schiff

Regarding adoption of *The Minneapolis Plan for Sustainable Growth* as the City's Comprehensive Plan.

Whereas, Minneapolis is the largest city in Minnesota and serves as the economic and cultural center for the Upper Midwest Region of the United States; and

Whereas, the City of Minneapolis is a vibrant city with unique neighborhoods, a resilient economy, a progressive tradition of good government and strong civic engagement, and a renowned parks system; and

Whereas, City residents embrace their diversity and value their heritage, education, arts and culture; and

Whereas, Minneapolitans promise future generations an even greater, more beautiful city than the one they inherited by promoting urban stewardship, active lifestyles and environmentally-sensitive building design, energy and resource use; and

Whereas, the City is required to adopt a Comprehensive Plan in accordance with provisions in Minnesota State Statute 473.864 Subdivisions 1 & 2; and

Whereas, a Comprehensive Plan is a long-term vision for growth and physical development of the city and a policy framework that guides planning, zoning, development and other city investments; and

Whereas, the City is required to update its Comprehensive Plan in accordance with provisions in Minnesota State Statute 473.86-862 with the signal to update the 2000 Comprehensive Plan being a new regional framework and local system statement for Minneapolis issued by Metropolitan Council in 2005; and

Whereas, the City Comprehensive plan update was evaluated by the public, staff, elected officials and the Metropolitan Council in accordance with provisions in Minnesota State Statue 4, 473.175; and

Whereas, the process for development of *The Minneapolis Plan for Sustainable Growth* included gathering input from a variety of stakeholders including citizens, neighborhoods, institutions, businesses, and adjacent jurisdictions through public meetings, focus groups, a website, surveys, and public hearings; and

Whereas, the draft Comprehensive Plan was available for review and comment by adjacent jurisdictions for a six-month period from December 1, 2007 until June 1, 2008; and

Whereas, the public comment period extended from December 1, 2007 until February 15, 2008; and

Whereas, the committees of the City Council fully considered the draft Comprehensive Plan and the public comments received; and

Whereas, the Zoning and Planning Committee approved submission of the draft Comprehensive Plan to the Metropolitan Council on June 26, 2008; and

Whereas, the full Council authorized submission of the draft Comprehensive Plan to Metropolitan Council and directed staff to explore policy and regulatory strategies for providing existing property owners clearer expectations about the long-range land use transitions and to analyze potential impacts of the 2000 Above the Falls land use guidance on July 11, 2008; and

Whereas, the Metropolitan Council completed an informal review of the draft Comprehensive Plan on August 4, 2008 and invited submission of the document for formal review; and

Whereas, the draft Comprehensive Plan was submitted for formal review October 15, 2008 with a determination of completeness on December 4, 2008; and

Whereas, during the 120-day formal review of the Update, Metropolitan Council identified an inconsistency between the City's Sewer Plan and the regional system statement for wastewater which resulted in the City filing a request to extend formal review so that the City and Metropolitan Council could negotiated a resolution to the issues around Combined Sewer Overflow (CSO) and Inflow & Infiltration (I&I); and

Whereas, the City and Metropolitan Council negotiated and entered into a Memorandum of Understanding regarding CSO and I&I that was approved by City Council on July 17, 2009 and by Metropolitan Council on July 22, 2009; and

Whereas, the city's Water Supply Plan, a required element of the update to the comprehensive plan, was reviewed and approved by the Minnesota Department of Natural Resources; and

Whereas, the Metropolitan Council determined *The Minneapolis Plan for Sustainable Growth* as being complete, consistent, compliant and in conformance with the regional planning framework and statutory requirements, and approved and authorized adoption of the draft Comprehensive Plan on July 22, 2009:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis that *The Minneapolis Plan for Sustainable Growth*, as deemed complete by the Metropolitan Council on July 22, 2009 and including the amendments made by City staff in accordance with Metropolitan Council requirements, is hereby adopted as the City's Comprehensive Plan.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

Z&P-Your Committee recommends confirmation of the Council appointment of Alexander Phung, Ward 13, to the Minneapolis Arts Commission, to fill the unexpired term of Claire Wilson, running through January 31, 2010.

Adopted 10/2/2009.

Absent - Lilligren, Glidden.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of November, 2009, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 10/2/2009. Absent - Lilligren.

Johnson moved that Interim City Clerk Ristuben's detail of Tina Sanz to the position of Assistant City Clerk be approved and while serving as a detailed Assistant City Clerk, Tina Sanz shall have all the powers, duties and responsibilities of the Interim City Clerk, shall assist the Interim City Clerk in the care of the papers and files, and in making the records of the City, shall attend such meetings of any of the committees of the City Council as such committee may designate, and act as clerk of such committees, and shall have authority in the disability or absence of the Interim City Clerk to certify and affix the corporate seal to copies of files and transcripts of records, and all such certificates shall have the same validity as if made by said Interim City Clerk. Seconded.

Adopted 10/2/2009. Absent - Lilligren. Approved by Mayor Rybak 10/5/2009. (Published 10/6/2009)

UNFINISHED BUSINESS

Z&P-Your Committee, having under consideration the appeal filed by Call Your Bluff Development, LLC, from the decision of the Planning Commission denying applications for a) a conditional use permit for 79 dwelling units, b) a conditional use permit to increase the height of a building to 6 stories or 70 feet in the I2 Industrial Overlay District, c) a variance to reduce the minimum lot area per dwelling unit by 30 percent, and d) a site plan review application, all at 600 Main Street SE, now recommends that said appeal **be sent forward without recommendation**.

Hofstede moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "granted in part and denied in part, to grant a conditional use permit for 56 units subject to conditions, to grant a conditional use permit to increase the height of the building to 6 stories, to deny the variance to reduce the minimum lot area per dwelling unit by the maximum thirty percent, the site plan review application approved subject to conditions, and that the Council adopt the attached Findings of Fact including all conditions, as set forth in Petition No 273812, which are made a part of this report by reference, and are on file in the Office of the City Clerk." Seconded.

Majority Leader Benson assumed the Chair.

Johnson moved a substitute motion that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "granted and that the Council adopt the attached Findings of Fact, as set forth in Petition No 273812, which are made a part of this report by reference, and are on file in the Office of the City Clerk." Seconded.

Colvin Roy moved to amend the substitute motion by adding an additional condition to the approval of the site plan review that "Should the applicant provide the City with evidence that the site has been completely excavated pursuant to a Remedial Action Plan (RAP) as administered by the Minnesota Pollution Control Agency, a Phase IA Archeological Review shall not be undertaken. If no evidence is provided by the applicant, the City shall condition the associated building permits so that a Phase IA Archeological Review is completed by the applicant." Seconded.

Adopted upon a voice vote.

Absent - Lilligren, Glidden.

Schiff moved to amend the substitute motion by adding an additional condition to the approval of the site plan review that "Off-street parking shall not be located between the building and the public

streets, including any parking spaces, driveways, or maneuvering areas located west of the north-facing entrance to the enclosed parking." Seconded.

Adopted upon a voice vote.

Absent - Lilligren.

The motion to substitute, as amended, lost. Yeas, 4; Nays, 8 as follows:

Yeas - Remington, Goodman, Samuels, Johnson.

Nays - Benson, Hodges, Gordon, Hofstede, Ostrow, Schiff, Colvin Roy, Glidden.

Absent - Lilligren.

President Johnson resumed the Chair.

Hofstede moved to amend her motion by adding an additional condition to the approval of the site plan review that "Building permits for the project shall not be issued prior to October 2, 2010." Seconded.

President Johnson declared Hofstede's motion withdrawn, per her request.

Schiff moved to amend Hofstede's motion by adding an additional condition to the approval of the site plan review that "Off-street parking shall not be located between the building and the public streets, including any parking spaces, driveways, or maneuvering areas located west of the north-facing entrance to the enclosed parking." Seconded.

Adopted upon a voice vote.

Absent - Lilligren.

Hofstede's motion, as amended, lost. Yeas, 6; Nays, 6 as follows:

Yeas - Benson, Hofstede, Ostrow, Schiff, Colvin Roy, Glidden.

Nays - Remington, Goodman, Hodges, Samuels, Gordon, Johnson.

Absent - Lilligren.

Schiff moved that the report be amended by deleting the language "said appeal be sent forward without recommendation" and inserting in lieu thereof "the staff recommendation to deny the appeal and to adopt the related findings prepared by the Community Planning & Economic Development staff be adopted." Seconded.

Adopted 10/2/2009. Yeas, 8; Nays, 4 as follows:

Yeas - Benson, Hodges, Gordon, Hofstede, Ostrow, Schiff, Colvin Roy, Glidden.

Nays - Remington, Goodman, Samuels, Johnson.

Absent - Lilligren.

Pursuant to notice, Ostrow moved to introduce the subject matter of an ordinance amending Appendix H of the Minneapolis Code of Ordinances relating to Minneapolis Cable Communication Franchises for first reading and referral to the Ways & Means/Budget Committee (adopting a new Cable Franchise Agreement between the City of Minneapolis and Comcast). Seconded.

Adopted upon a voice vote 10/2/2009.

Absent - Lilligren.

Pursuant to notice, Schiff moved to introduce the subject matter of an ordinance amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Wine Licenses, for first reading and referral to the Public Safety & Regulatory Services Committee (amending various sections pertaining to wine licenses and the entertainment that would be allowed). Seconded.

Adopted upon a voice vote 10/2/2009.

Absent - Lilligren.

NEW BUSINESS

Glidden moved to introduce an ordinance amending Title 10, Chapter 203 of the Minneapolis Code of Ordinances relating to Food Code: Grocery Stores and Specialty Food Stores, for first reading and referral to the Public Safety & Regulatory Services Committee (clarifying the definition of specialty food stores and creating an exemption of requirements for grocery stores located within shopping centers). Seconded.

Adopted by unanimous consent 10/2/2009.

Absent - Lilligren.

Samuels moved to introduce the subject matter of the following ordinances amending Title 10 of the Minneapolis Code of Ordinances relating to Food Code, for first reading and referral to the Public Safety & Regulatory Services Committee (streamlining and standardizing license renewal references):

- a. Chapter 188 relating to Administration and Licensing.
- b. Chapter 190 relating to Meat and Meat Products.
- c. Chapter 198 relating to Soft Drink Manufacture and Storage.
- d. Chapter 200 relating to Milk and Dairy Products.
- e. Chapter 201 relating to Public Markets.
- f. Chapter 202 relating to Municipal Market. Seconded.

Adopted by unanimous consent 10/2/2009.

Absent - Lilligren.

Samuels moved to introduce the subject matter of the following ordinances amending Title 11 of the Minneapolis Code of Ordinances relating to Health and Sanitation, for first reading and referral to the Public Safety & Regulatory Services Committee (streamlining and standardizing license renewal references):

- a. Chapter 225 relating to Garbage and Refuse.
- b. Chapter 231 relating to Public Swimming Pool Code.
- c. Chapter 232 relating to Suntanning Facilities. Seconded.

Adopted by unanimous consent 10/2/2009.

Absent - Lilligren.

Samuels moved to introduce the subject matter of the following Ordinances amending Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations, for first reading and referral to the Public Safety & Regulatory Services Committee (streamlining and standardizing license renewal references):

- a. Chapter 259 relating to In General (clarifying license and permit renewals, license duration, application process and requiring compliance and posting of conditions).
- b. Chapter 261 relating to License Fees Generally (providing that license fees under Title 3 Air Pollution and Environmental Protection, Title 4 Animals and Fowl, Title 10 Food Code, Title 11 Health and Sanitation, Title 12 Housing, Title 13 Licenses and Business Regulations and Title 14 Liquor and Beer are as established in Appendix J and combining license reinstatement fees into Chapter 261 ensuring that there is a public hearing when license fees are amended and streamlining late penalties).
 - c. Chapter 265 relating to Special Permits for Specific Businesses and Uses.
 - d. Chapter 266 relating to Rental Halls.
 - e. Chapter 267 relating to Amusements.
 - f. Chapter 269 relating to Asphalt Shingle and Roofing Material Manufacture.
 - g. Chapter 271 relating to Auctions and Auctioneers.
 - h. Chapter 272 relating to Resin Manufacturing.
 - i. Chapter 277 relating to Building Trades Licenses.
- j. Chapter 278 relating to Heating, Ventilating and Air Conditioning, Gasfitting, Oil, Plumber/Gas Fitter, Refrigeration and Steam and Hot Water Installers.
 - k. Chapter 279 relating to Christmas Tree Dealers.
 - I. Chapter 281 relating to Tobacco Dealers.
 - m. Chapter 283 relating to Courtesy Benches.
 - n. Chapter 285 relating to Dancing Schools.
 - o. Chapter 287 relating to Filling Stations and Bulk Oil Plants.
 - p. Chapter 289 relating to Fire Extinguisher Sales and Service.
 - q. Chapter 291 relating to Fuel Dealers.
 - r. Chapter 295 relating to Groceterias and Portable Stores.
 - s. Chapter 296 relating to Hospitals.
 - t. Chapter 297 relating to Hotels.
 - u. Chapter 297A relating to Bed and Breakfast Facilities.
 - v. Chapter 299 relating to Ice Sale and Manufacture.

- w. Chapter 301 relating to Laundries and Dry Cleaning Establishments.
- x. Chapter 303 relating to Horse and Carriage Livery Services.
- y. Chapter 304 relating to Hoofed and/or Small Animal Service.
- Chapter 305 relating to Pedicabs.
- aa. Chapter 307 relating to Valet Parking.
- bb. Chapter 311 relating to Motor Scooter Leasing.
- cc. Chapter 313 relating to Motor Vehicle Dealers.
- dd. Chapter 315 relating to Motor Vehicle Lubricant Dealers.
- ee. Chapter 317 relating to Motor Vehicle Repair Garages.
- ff. Chapter 319 relating to Open Air Motor VehicleParking Lots.
- gg. Chapter 320 relating to Vehicle Immobilization Service.
- hh. Chapter 321 relating to Secondhand Dealers.
- ii. Chapter 322 relating to Precious Metal Dealers.
- jj. Chapter 324 relating to Pawnbrokers.
- kk. Chapter 325 relating to Pest Control.
- II. Chapter 331 relating to Sidewalk Flower Cart Vendors.
- mm. Chapter 333 relating to Solicitors.
- nn. Chapter 335 relating to Street Photographers.
- oo. Chapter 339 relating to Body Art Code.
- pp. Chapter 341 relating to Taxicabs.
- qq. Chapter 343 relating to Transient Merchants.
- rr. Chapter 347 relating to Tree Servicing.
- ss. Chapter 348 relating to Used Motor Vehicle Parts Dealer.
- tt. Chapter 349 relating to Wreckers and Tow Trucks.
- uu. Chapter 350 relating to Recycling Activities and Salvage Yards. Seconded.

Adopted by unanimous consent 10/2/2009.

Absent - Lilligren.

Samuels moved to introduce the subject matter of the following Ordinances amending Title 14 of the Minneapolis Code of Ordinances relating to Liquor and Beer, for first reading and referral to the Public Safety & Regulatory Services Committee (streamlining and standardizing license renewal references):

- a. Chapter 362 relating to Liquor Licenses.
- b. Chapter 363 relating to Wine Licenses.
- c. Chapter 366 relating to Beer Licenses. Seconded.

Adopted by unanimous consent 10/2/2009.

Absent - Lilligren.

Samuels moved to introduce the subject matter of an Ordinance amending Appendix J of the Minneapolis Code of Ordinances relating to License Fees Schedule, for first reading and referral to the Public Safety & Regulatory Services Committee (eliminating references to specific ordinance sections and referencing only the titles to avoid repeat modifications of Appendix J over time). Seconded.

Adopted by unanimous consent 10/2/2009.

Absent - Lilligren.

Samuels moved to introduce the subject matter of the following ordinances amending Title 14 of the Minneapolis Code of Ordinances relating to Liquor and Beer, for first reading and referral to the Public Safety & Regulatory Services Committee (clarifying that liquor service between 1 a.m. and 2 a.m. is authorized only for establishments that have obtained a permit from the commissioner of public safety under Minnesota Statute 340A.504, subd. 7, permitting sales after 1 a.m.):

- a. Chapter 364 relating to Liquor Regulations
- b. Chapter 368 relating to Beer Regulations. Seconded.

Adopted by unanimous consent 10/2/2009.

Absent - Lilligren.

Hodges moved to adjourn. Seconded. Adopted upon a voice vote 10/2/2009. Absent - Lilligren.

> Steven J. Ristuben, City Clerk.

Unofficial Posting: 10/5/2009 Official Posting: 10/9/2009 Correction: 12/2/2009